

THE ·LAW
OF
TRADING WITH THE ·ENEMY
IN
BRITISH INDIA

TOGETHER WITH
ALL ORDINANCES AND STATUTES, PROCLAMATIONS, ORDERS
OF COUNCIL, NOTIFICATIONS, PRESS COMMUNIQUE,
ETCETERA, CONNECTED THEREWITH.

BY

H. CAMPBELL, ESQUIRE, BAR.-AT-LAW,
*King's Inn, Ireland; Advocate of the High Court of Bombay; Clerk of the
Crown, Bombay; Professor of Law in the Bombay Government Law
School; Holder of the John Brooke Scholarship Certificate of
Honour; and Author of "The Law of Land Acquisition
in British India."*

CALCUTTA:
BUTTERWORTH & CO. (INDIA), LTD.,
6, HASTINGS STREET.

1916.

*. Naught shall make us rue.
“If England to itself do rest but true.”*

PREFACE

IN these bellicose times, when armies besiege and navies blockade, the merchant in his counting house is concerned in the pursuit of his commerce with the subject of "Trading with the Enemy," and will continue so to be till "peace puts forth her olive everywhere."

The Prohibitions against Trading with the Enemy are contained in a bewildering array of Royal Proclamations, Orders in Council and Notifications passed from time to time and published in that unwieldy organ the Gazette of India. It is the Author's purpose to set forth a plain statement of the subject of "Trading with the Enemy," understandable of the people, in the ensuing pages, so that the merchant in British India may know in what adherence to the King's enemies consists, and so avoid "aiding and comforting" the enemy until once more "the gentle speech of peace supplants the harsh and boisterous tongue of war." It is also hoped the present venture may even afford a ready and reliable reference to the Author's more learned brothers in the law.

I am indebted to Mr. N. F. Moos, Bar.-at-Law, for some notes by him on the effect of war upon contracts of affreightment.

Mr. D. A. Ghaswalla, Bar.-at-Law, has been good enough to assist in seeing this book through the press, and I am also obliged to him for his revision of the MSS.

By means of the addenda (to which attention is called) all legislation and recent decisions at home and in India, down to date of 5th June 1916 have been included.

BOMBAY,
June, 1916.

H. CAMPBELL.

TABLE OF CONTENTS.

ADDENDA ET CORRIGENDA.

TABLE OF CASES.

TABLE OF STATUTES AND ORDINANCES.

CHAPTER I.

Page.

WAR—DISTINGUISHED FROM PEACE :

DEFINITION OF WAR. EMBARGOES—PACIFIC BLOCKADES. JUDICIAL

NOTICE OF STATE OF WAR :

DECLARATION OF WAR—WHEN MADE HAS THE FORCE OF STATUTE.

FORMAL DECLARATION NOT NECESSARY 1 to 4

CHAPTER II.

WHO ARE ENEMIES ?

ALIENS, ALIEN ENEMIES : RIGHTS OF.

ENEMY BY BIRTH, BY PARTICIPATING IN HOSTILITIES, BY NATURALIZATION, BY RESIDENCE OR BUSINESS IN AN ENEMY STATE.

DOMICILE OF ORIGIN, OF CHOICE, AND BY OPERATION OF LAW.

COMMERCIAL DOMICILE. DOMICILE OF BRITISH SUBJECT IN A NEUTRAL COUNTRY.

MATRIMONIAL DOMICILE. DOMICILE IN CASE OF CORPORATIONS.

ENEMY AS DEFINED IN THE PRESENT WAR PROCLAMATIONS.

HOSTILE FOREIGNER AND HOSTILE FIRM—DEFINITIONS OF DISCUSSED 5 to 31

CHAPTER III.

TRADING WITH THE ENEMY WITHOUT LICENSE IS TREASONABLE, IS AGAINST THE MARITIME LAW OF ENGLAND AND THE COMMON LAW.

MEANING OF "TRADING" IS NOT CONFINED TO COMMERCIAL INTERCOURSE.

ALL INTERCOURSE IS FORBIDDEN—THOUGH ACTUAL BENEFIT TO THE ENEMY IS REMOTE, AND EVEN IF BENEFIT ACCRUES TO GREAT BRITAIN.

TRADING IN GOODS FROM AN ENEMY COUNTRY IS FORBIDDEN.

TRADING TO A NEUTRAL COUNTRY IS ILLEGAL WHERE GOODS ARE MEANT FOR AN ULTIMATE ENEMY DESTINATION.

PROHIBITION APPLIES TO THE CITIZENS OF AN ALLIED STATE .. 32 to 43

CHAPTER IV.

TRADING WITH THE ENEMY IN CONNECTION WITH THE SUBJECT OF CONTRABAND. CONTRABAND—ABSOLUTE AND CONDITIONAL. PRINCIPAL PROCLAMATIONS IN THE PRESENT WAR, AND ORDERS IN COUNCIL AND NOTIFICATIONS AS TO CONTRABAND DISCUSSED IN CHRONOLOGICAL ORDER.

MEANING OF CERTAIN WORDS IN THE PROCLAMATIONS—NAMELY "COMING FROM."

	Page.
THE DOCTRINE OF CONTINUOUS VOYAGE. THE DECLARATION OF LONDON. VALIDITY AND BINDING EFFECT OF ORDERS IN COUNCIL	44 to 78
CHAPTER V.	
RECENT LEGISLATION AS TO TRADING WITH THE ENEMY (APART FROM THE SUBJECT OF CONTRABAND).	
PRINCIPAL PROCLAMATIONS DISCUSSED IN THEIR ORDER.	
PROCLAMATION OF 5TH AUGUST, 1914—MEANING OF THE WORDS "PERSON," "SUPPLY TO OR OBTAIN FROM," AS USED THEREIN.	
PROCLAMATION OF 9TH SEPTEMBER, 1914—MEANING OF THE WORDS "ENEMY COUNTRY," "ENEMY," "TRANSACTION," USED—THE VARIOUS SUB-CLAUSES OF CLAUSE 5 THEREOF DISCUSSED WITH NOTES OF DECIDED CASES THEREON.	
PROCLAMATION OF 8TH OCTOBER, 1914, AS TO INSURANCES.	
HOSTILE FOREIGNERS TRADING ORDER, 1914, DISCUSSED	79 to 139
CHAPTER VI.	
LICENSES—POWER OF THE CROWN TO GRANT.	
LICENSES TO ALIEN ENEMIES—DITTO TO BRITISH SUBJECTS.	
GENERAL, SPECIAL, EXPRESS OR IMPLIED LICENSES.	
CONSTRUCTION OF LICENSES—SOME OLD FORMS OF LICENSES.	
EFFECT OF LICENSES. LICENSES ARE REVOCABLE	140 to 151
CHAPTER VII.	
PENALTIES AND PUNISHMENT FOR TRADING WITH THE ENEMY.	
THE COMMERCIAL INTERCOURSE WITH ENEMIES ORDINANCE, 1914.	151 to 154
APPENDICES.	
APPENDIX I. Notifications of War with the various Enemy Countries.. . . .	155 to 157
APPENDIX II. Various Indian Emergency Legislation Acts and Ordinances, with the Notifications passed thereunder during the present war	158 to 169
APPENDIX III. The present day Proclamations, Orders in Council and Notifications as to Absolute and Conditional Contraband for the United Kingdom and India	170 to 399
APPENDIX IV. Present day Royal Proclamations, Orders in Council, and Notifications as to Trading with the Enemy (apart from contraband)	400 to 428
APPENDIX V. The Hostile Foreigners (Trading) Order and relative Orders and Notifications thereunder.	429 to 453
APPENDIX VI. MISCELLANEOUS.	
The Declaration of London and Report thereon.	454 to 481
The Customs (Exportation Prohibition) Act, 1914	482

ADDENDA AND CORRIGENDA.

N.B.—*In order that this work should appear early in June 1916 the proofs were hurried through the press. The corrections, as under, have thus been necessitated.*

Page 2, line 18, Add :—The detention, by order of the Customs Authorities of a port, of a steamer may be regarded as an embargo. Such detention in anticipation of possible war at the time is quite within the rights of the port authorities.
The Prinz Adalbert, 1916. P. 81 at p. 86.

Page 3, line 23, Add:—The House of Lords have in a recent appeal decided that His Majesty's declaration of war amounts to a "restraint of princes" within the meaning of those words in a marine policy, and have held, under the circumstances of the particular case, that the declaration was the direct cause of the destruction of the adventure in question and that the declaration of war was inseparable from its sequel—British and Foreign Marine Insce. Co., Ltd., *vs.* Samuel Sanday & Co., 1916, A. C. 650.

Page 7, end of para. 1, Add :—It must now be borne in mind that by the recent Trading with the Enemy (Extension of Powers) Act, 1915 (5 and 6 Geo. 5, c 98) power is given to extend the restrictions relating to Trading with the Enemy to Persons to whom, though not resident or carrying on business in enemy territory, it is by reason of their enemy nationality or enemy associations expedient to extend such restrictions. Under this Act various black lists of persons resident in neutral countries have been issued by the authorities.

Page 13, line 5, from end—Read for "La Viginil" "La Virginie."

Page 15, line 8, After "an alien enemy."—Add—but now see the Trading with the Enemy (Extension of Powers) Act, 1915.

Page 24, line 2, For "11 P.O." read "11 P.D."

Page 27, Add at foot—Since the above was written the important enactment known as the Trading with the Enemy (Extension of Powers) Act, 1915, has come into force, and Macleod J's view, that the doctrine that domicile and not nationality should no longer be the sole test, has been recognised, because the Act provides for the extension of the restrictions relating to trading with the enemy to persons to whom, though *not* resident or carrying on business in enemy territory, it is by reason of their *enemy nationality* or *enemy associations* expedient to extend such restrictions.

Various black lists of such persons have been issued.

As the Act is omitted from the appendices it is given below :

5 & 6 GEO. 5. CH. 98.

AN ACT to provide for the Extension of the Restrictions relating to Trading with the Enemy to Persons to whom, though not resident or carrying on business in enemy territory, it is by reason of their enemy Nationality or Enemy Associations expedient to extend such Restrictions. [23rd December 1915].

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I—(1) His Majesty may by Proclamation prohibit all persons

Power to
prohibit tra-
ding with
persons of
enemy nati-
onality, etc.

or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom from trading with any persons or bodies of persons not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's Dominions) wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to His Majesty expedient so to do, and if any person acts in contravention of any such proclamation he shall be guilty of a misdemeanour triable and punishable in like manner as the offence of trading with the enemy.

(2) Any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this Act may be varied or added to by an Order made by the Lords of the Council on the recommendation of a Secretary of State.

(3) The provisions of the Trading with the Enemy Acts, 1914 and 1915, and of the Customs (War Powers)

5 & 6 Geo
5. c. 71.

(No. 2) Act, 1915, and all other enactments relating to trading with the enemy, shall, subject to such exceptions and adaptations as may be prescribed by Order in Council, apply in respect of such persons and bodies of persons as aforesaid as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and for references to enemies there were substituted references to such persons and bodies of persons as aforesaid, and for references to offences under the Trading with the Enemy Acts, 1914 and 1915, or any of those Acts, there were substituted references to offences under this Act.

(4) For the purposes of this Act a person shall be deemed to have traded with a person or body of persons to whom a Proclamation issued under this Act applies, if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of, such a person or body of persons which if entered into or done with, to, on behalf of, or for the benefit of, an enemy would be trading with the enemy.

II. This Act may be cited as the Trading with the Enemy Short title. (Extension of Powers) Act, 1915.

In connection with the foregoing Act the following correspondence has been published in the Press between the American Ambassador and Sir Edward Grey.

On January 26th, 1916, Mr. Page wrote to Sir Edward Grey:—

The Secretary of State has given consideration to the Trading with the Enemy Act of December 23rd last, the apparent object of which is to prevent any person doing business in the United Kingdom from trading with enemies of Great Britain or persons having enemy associations in any other part of the world, and has reached the conclusion that this Act is pregnant with possibilities of undue interference with American trade; if, in fact, such interference is not now being practised.

As the Secretary of State is inclined to share the opinion generally held in the United States that in the framing of this Act the right of persons domiciled in the United States—whether American citizens or subjects of the countries at war with Great Britain—to carry on trade with persons in belligerent countries has been overlooked, and that the exercise of this right may be subject to denial or abridgment in the course of the enforcement of the above-mentioned Act, the Government of the United States is constrained to express to his Majesty's Government the grave apprehensions which are entertained on this subject, both by it and by traders domiciled in the United States.

It has therefore been thought necessary to bring these views to the attention of his Majesty's Government, and to present a formal reservation of the right of the Government of the United States to protest against the application of this Act in so far as it affects the trade of the United States by imposing restrictions upon its freedom.

On February 26 Sir Edward Grey replied:—

The Act was framed with the object of bringing British Trading with the Enemy Regulations into greater harmony with those adopted by the French Government since the commencement of the war, by applying in some degree the test of nationality in the determination of enemy character in addition to the old test of domicile, which, experience has shown, cannot provide a sufficient basis under modern commercial conditions for measures intended to deprive the enemy of all assistance, direct or indirect, from national resources.

His Majesty's Government realized, however, that the application of this principle to its fullest extent, while entirely legitimate and in accordance with the practice of other countries, might, if applied at the present time to com-

mercial activities as widespread as those of British subjects, involve avoidable inconvenience and loss to innocent traders.

They were careful, therefore, in devising the necessary legislation not only to avoid any definition which would impose enemy status upon all persons of enemy nationality and associations, but also to take powers of discrimination which would enable them to apply the purely commercial restrictions contemplated only in regard to those persons from whom it was necessary in British interests to withhold the facilities afforded by British resources.

His Majesty's Government have therefore abstained from a course of action admittedly within their rights as belligerents, which is not only the existing practice of the French Government, but in strict accordance with the doctrine openly avowed by many other States to be the basis upon which their Trading with the Enemy Regulations would be founded in the event of war, and have confined themselves to passing a piece of purely domestic legislation empowering them to restrict the activities and trade of persons under British jurisdiction in such a manner and to such an extent as may seem to them to be necessary in the national interest.

His Majesty's Government readily admit the right of persons of any nationality resident in the United States to engage in legitimate commercial transactions with any other persons. They cannot admit, however, that this right can in any way limit the right of other Governments to restrict the commercial activities of their nationals in any manner which may seem desirable to them by the imposition of prohibitions and penalties which are operative solely upon persons under their jurisdiction.

In claiming this right, which appears to them to be inherent in sovereignty and national independence, His Majesty's Government desire to assure the United States Government that they will exercise it with every possible care to avoid injury to neutral commerce, and they venture to think that the voluntary limitation of their powers by the terms of the Trading with the Enemy (Extension of Powers) Act, 1915, is evidence of their desire and intention to act with the greatest possible consideration for neutral interests.

Page 36, line 6, Add—And see the decision of the House of Lords confirming this decision (*idem* 1916, A.C. 650).

Page 38, line 12—For “Premere” read “Premier.”

Page 44, line 17—For “of self-same” read “of the selfsame.”

Page 45, line 24—Add between “proclamations, can” the word “and.”

Page 45, third last line,—Add inverted commas after the words “conditional contraband.”

Last two lines—Delete the inverted commas.

Pages 45 to 77—Delete the headings on the pages of uneven numbers and insert therefor “Contraband of War.”

Page 46—For “Participes” read “Particeps.”

Page 47—Marginal Note. For “1915” read “1914.”

Page 48—In marginal note read for “Order of Council” “Order in Council.”

Page 48, line 20—Read for “Order of,” “Order in.”

Page 48, line 21—Delete “vide No. 10 post.”

Page 50—Add after fourth para.—

A merchant vessel of a belligerent Power in an enemy port at the commencement of hostilities is not protected from condemnation under Arts. 1 & 2 of Convention VI of the Hague Peace Conference, 1907, if she has entered the port to avoid possible capture by the armed vessels of another belligerent, or to procure orders from another belligerent or its subjects. *The Prinz Adlbert*, 1916, Pro. Div. 81.

Page 50—Add after fourth para. :—

It would appear that all British vessels in German ports were detained at least four days before the outbreak of war with Great Britain (Parl. Mis. No. 10, 1915, pp. 96 & 103—collected Diplomatic Documents relating to the outbreak of the European War). And as appears from *Beal v. Horlock*, (1915, 3 K. B. 207, 627; 1916, A.C. 486) British vessels are still being detained (See the *Prinz Adlbert*, 1916, P.D. 81, at p. 84.)

Page 60—line 7, from end.—For “1910” read “1915.”

Page 64—Marginal Note. For “12th.” read “10th.”

Page 64—2nd Marginal Note. For “10th” read “12th.”

Page 65, lines 19-20.—Delete (No 2 Supra).

Page 65—Last Line. For “III” read “IV.”

Page 69, line 15.—The decision in the case of *The Zamora* has been upset by the House of Lords who have held that an Order in Council not in accordance with international law is not binding upon the Prize Court.

The decision is not yet officially reported.

Page 72, line 6—For “Judge” read “Judges.”

Page 72, line 6 to and of page—Insert inverted commas throughout the passage cited.

Page 75, line 18.—For “V” read “IV.”

Page 76, line 17.—For “V” read “III.”

Page 76, 2nd last Marginal Note—Add—“1915.”

Page 79, line 18.—Add—See the decision of the House of Lords affirming this judgment (*British & Foreign Marine Insce. Co., Ltd., v. Sanday & Co.*, 1916, A.C. 650).

Page 87 et seq.—Delete the various headings of the uneven numbered pages, and Substitute—“Legislation as to Trading with the Enemy.”

Page 82, line 5—For “Free Effect” read “full effect.”

Page 93, line 11.—For “IV” read “III.”

Page 100, line 11—After “or on” add “behalf.”

Page 103, last 6th line—Delete the inverted commas after “revocations.”

Page 106, after line 6, add :— In an Australian case, (In *re Catherine Ekert*, reported in the Sydney Morning Herald of 4th April 1916) on a motion for Probate of the will of a German, counsel for the Crown appeared not to oppose probate but to ask that certain conditions should be laid down to the grant of Probate. Street J., granted Probate on condition that no portion of the estate should be distributed or paid during the war to

any beneficiary, or creditor of German nationality, whether resident or not, or to anyone in his behalf, or to or on behalf of any person resident in Germany, without the express sanction of the Crown, and that if any distribution was made contrary to this condition, Probate would be forthwith revoked.

Page 114, line 5—Add—The decision of Scrutton J. in *Arnhold Karberg & Co v. Blythe Green, Jourdain & Co.* has been affirmed by the Court of Appeal, but the dictum of Scrutton J., that a C.I.F. contract is a contract for the sale of documents, is held not to be correct, but that it is a contract for the sale of goods to be performed by the delivery of documents. (*idem*, L. J. Rep., Vol. LXXXV, May, 1916, p. 665).

Page 115, 3rd last line—For “or” read “on.”

Page 121, end of 1st para. Add—Affirmed by the House of Lords, L. J. Rep., Vol. 85, May 1916, p. 665).

Page 126, line 24—For “Emmanull” read “Emmanuel.”

Page 133, line 12, Add—For appointments in respect of Bengal and the Madras Presidency, *vide* pp. 433-435 post.

Page 133, before last para., Add—The following notice has recently been issued :—

*REVENUE DEPARTMENT.

Mahableshtar, 29th May 1916.

No. 200-M.—The following Press Communiqué, dated 15th May 1916, is published for general information :—

PRESS COMMUNIQUE.

Mahableshtar, 15th May 1916.

It is notified for general information that the Custodian of Enemy Property, Bombay, will keep a record of—

- (a) debts (including Bank balances) due to persons or firms in India from persons or firms residing or carrying on business in an enemy country ;
- (b) other property in enemy countries (including securities) belonging to persons or firms in India ;
- (c) personal luggage detained in an enemy country and belonging to such persons ; and
- (d) claims against enemy Governments, *e.g.*, in respect of public securities of those Governments and goods or property requisitioned, sequestrated or destroyed by those Governments.

2. Persons or firms desiring to register their claims should apply to the Custodian in the appropriate form. The forms prescribed for the purpose, and any other information required on the subject, may be obtained from the Custodian.

MEMORANDUM OF INSTRUCTIONS AS TO REGISTRATION OF CLAIMS AGAINST ENEMY SUBJECTS AND ENEMY GOVERNMENTS.

The following instructions are issued for the guidance of persons who wish to register their claims against enemy subjects and enemy Governments, with reference to the Press Communiqué, dated the 27th April 1916 :—

CLAIMS AGAINST ENEMY SUBJECTS.

1. The forms prescribed for the purpose of recording claims against enemy subjects are given in the annexed Schedule.

2. *Registration Order " G "* should be used by persons or firms residing or carrying on business in India to make a return of—

- (1) Debts owing to them by enemy persons or firms including unpaid dividends and uncashed coupons and unpresented bills accepted by and unpresented cheques drawn by enemy firms or persons.
- (2) Bank balances held for them by Banks situated in enemy territory.
- (3) Interest which has accrued on items recorded on *Registration Order " H. "*

It should be noted that unpaid dividends and uncashed coupons and unpresented bills or cheques are debts and should be recorded on this form.

3. *Registration Order " H "* should be used for the purpose of making a return of property other than debts, bank balances and personal luggage—held by enemy persons or firms for persons or firms residing or carrying on business in India.

This form should also be used to record claims against enemy Governments and Municipalities in respect of public securities of those Governments and Municipalities held by the persons making the return. The enemy Government or Municipality is, from this point of view, the debtor, and the fact that the paper or other documentary evidence of title is held in this country makes no difference.

This form should not be used for making other claims against enemy Governments, *e.g.*, in respect of goods or property requisitioned, sequestered or destroyed by those Governments. The procedure in regard to the registration of such claims is laid down in paras. 6—13 *infra*.

It is essential that the actual value of the property held and not merely its face value should be recorded, and in estimating these values the following rules should be observed :—

- (a) In all cases where sales in the securities are now taking place, or have taken place since the war began, the prices realised at such sales should be taken as the basis of the valuation.
- (b) In other cases where no such sales have been made, the value should be the value on the 1st August 1914, or on the latest date previous to the 1st August 1914 on which a price was recorded.

- (c) In cases where land, houses or lease are included in the return, the value recorded should be the estimated capital value as on the 1st August 1914, less the estimated capital value of any charges on the same.

4. *Registration Order "F"* should be used to make a return of personal luggage left behind in the enemy country by His Majesty's subjects when travelling home before or since the outbreak of war. Great care should be taken to indicate whether the luggage was given into the charge of someone (e.g., a railway official or hotel-keeper) or was detained against the will of the traveller.

5. Returns in reference to occupied territory should be made on precisely the same forms as those referred to above, except that they will be issued stamped with a rubber stamp with the words "Occupied territory."

CLAIMS AGAINST ENEMY GOVERNMENTS.

6. Claims against enemy Governments in respect of public securities of those Governments should be recorded in *Registration Order "H,"* as indicated in paragraph 3, *ante*. As regards other claims against enemy Governments, such as those in respect of property requisitioned, sequestered or destroyed by those Governments, a statutory declaration verifying the claim should be sent. The declaration must be in the form prescribed under section 7 of the Indian Oaths Act, 1873.

7. If the claimant was born within His Majesty's dominions, the declaration should state the date and place of his birth. If the claimant was born outside His Majesty's dominions but derives British nationality from his father or grandfather, the declaration should state the date and place of birth of such father or grandfather.

If the claimant is a naturalized subject of His Majesty the declaration should state the date of his naturalisation and his previous nationality.

8. If the claimant is a Company incorporated under any law for the time being in force in any part of the British Empire, the declaration should state the date of incorporation.

If all the persons holding shares or otherwise interested in the Company are subjects of His Majesty, the declaration should state that fact.

If some of the persons holding shares or otherwise interested in the Company are aliens, the declaration should state the nationality of those persons and the nature of their interest in the Company.

9. Full particulars of the property in respect of which the claim is made should be set out in the declaration or in a schedule attached thereto.

10. The declaration should state the value of the property and the amount of the claim.

Where the value of the property can be proved by documentary evidence, copies of those documents should be attached to the declaration.

Where documentary evidence of the value of the property cannot be adduced, the evidence of the claimant should, so far as it is possible to do so, be corroborated by that of other persons.

11. The declaration should state the facts with regard to the requisitioning, sequestration, or destruction of the property so far as they are known to the claimant.

If the claimant holds any receipts or other documentary evidence of the seizure of his property, copies of such documents should be attached to the declaration.

12. The declaration should also state that, at the date when the property was requisitioned, sequestered or destroyed, the claimant was the absolute owner thereof.

13. If the claimant, or any person on his behalf, has received any payment in respect of the property, particulars thereof should be set out in the declaration.

GENERAL.

14. In making these returns, the term "enemy" should be understood to mean a person of whatever nationality, residing or carrying on business in an enemy country, and the expression "enemy country" should be taken to include territory for the time being in hostile occupation. A British subject who resides or carries on business in enemy territory is, therefore, for the present purposes, to be considered an enemy, while a person of German, Austrian, Turkish or Bulgarian nationality residing in this country, even though interned, is not an enemy from this point of view.

With regard to the date to be selected for the making of the return, this should be the outbreak of the war, that is to say, midnight of 4th August, 1914 for Germany and Austria-Hungary, 5th November 1914 for Turkey, and 15th October 1915 for Bulgaria. With regard to territory occupied by enemy forces, the date should be the date of occupation as nearly as can be ascertained.

15. It must be clearly understood that the action of the Custodian of Enemy Property or other officer appointed for the purpose will be confined to entering upon the record claims of which particulars are supplied to him, and that it in no way commits His Majesty's Government either to responsibility for the correctness of the claim entered or to taking any action on the conclusion of hostilities or otherwise for the recovery of the debts or property in question. But it is hardly necessary to state that it is in the interest of the creditors that the returns are asked for, as giving important data for the safeguarding of that interest.

N.B.—The schedules to the above, viz. (1), (2) & (3), are omitted here for brevity's sake.

Page 136, end of para. 2, Add—The recent Trading with the Enemy Amendment Act, 1916, 5 and 6 Geo. V, c. 105, may be consulted as to the powers granted thereby to deal with businesses of persons etc., of enemy nationality or associations, and the power granted to the Board of Trade to vest enemy property in the Custodian.

Page 138, at end of 3rd last para. Add—"See the restriction on the transfer of British ships in 5 & 6 Geo. V c. 21."

Page 145, after para 4, Add—No matter whether the cause of action arose before or after war, an alien enemy *can be sued* in Courts in British India and would have every right to prosecute his case before the courts in accordance with the laws of procedure.

The fact that the Defendant has been interned does not make any difference as it does not cut down his liabilities.

Abdul Quader Khalifa v. Frietz Kapp, 1916, 20 Cal. W.N. 691.

Page 145, Add, before last para.—A trustee, who on the outbreak of war becomes an alien-enemy, is clearly incapable to act as a Trustee because he cannot sue. In re *Sichel's Settlements*, *Sichel v. Sichel*, 1916, 1 Ch. D. 358 at 361.

Page 150, line 24 —For “Maull &” read “Maule.”

Page 153; line 6—For “15” read “14.”

Page 176, line 21—Read for “Order of Council” “Order in Council.”

Page 179, Add as a footnote.—“See the Not. of 9th Aug. 1914 N^o. 78-W., wrongly printed on page 426 post.”

Page 233, line 17, Add after “direct” the word “that.”

Page 243.—Transpose this Proclamation to top of p. 416.

Page 387, Transpose Order of Council of 16th Mar. 1916 to proper place at p. 38 ante.

Page 391—Transpose Not. of 29th April 1916 to proper place at p. 389.

Page 392—Transpose O. in C. of 30th Mar. 1916 to proper place at p. 386.

Page 394—Transpose Roy. Pro. of 10th Mar. 1916 to proper place at p. 385.

Page 395—Transpose Roy. Pro. of 30th Mar. 1916 to proper place at p. 386.

Page 395—Transpose Roy. Pro. of 21st Mar. 1916 to proper place at p. 385.

Page 397—Add as a footnote to clause 3—“Vide page 425 post.”

Page 399, And add the following Order of Council :—

Bombay Castle, 12th May 1916.

*No. 4970.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 2570-90-W., dated Simla, the 6th May 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 30th day of March 1916.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

AND WHEREAS it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

AND WHEREAS by a Proclamation, dated the 28th day of July 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

AND WHEREAS by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—

Gum tragacanth ;

Silica bricks.

- (2) That the heading ' Silk, Shantung, in the piece ' in the list of goods the exportation of which is prohibited to all destinations should be deleted.

- (3) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

Chemicals, drugs, etc. :—

Guaiacol and guaiacol carbonate ;

Senna leaves and pods ;

Stramonium leaves and seeds ;

Hypodermic syringes ;

Silk and silk manufactures, the following :—

Broad silks of all kinds whether all silk or of silk mixed with other yarns (except with artificial silk yarn or metal threads) in the gray or discharged, undyed, dyed, or printed, but unweighted ;

Schappe and spun yarns ;

Shantung silk ;

Silk, raw or thrown ;

Silk waste.

- (4) That the heading ' Gums, resins, balsams, and resinous substances of all kinds, except such as contain caoutchouc ' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal should be deleted, and there be substituted therefor the heading :—

Gums, resins, balsams and resinous substances of all kinds, except such as contain caoutchouc and except gum tragacanth.

† Republished at pp. 2138-2146 of Bom. G. G., Part I, 26th Aug. 1915.

- (5) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—
 Leather, varnished, japanned or enamelled ;
 Leather waste ;
 Linen thread ;
 Rock crystal ;
 Spices, all kinds of, other than pepper, but including pimento ;
 Starch, including dextrine, farina and potato flour.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

Page 399—Add the following Roy. Proclamation of the 12th day of April 1916 :—

Bombay Castle, 19th May 1916.

No. 5194.—The following Notification by the Government of India Commerce and Industry Department, is republished :—

" COMMERCE AND TRADE.

*No. 3009-34-W., dated Simla, the 13th May 1916.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Making certain Additions to and Amendments in the List of Articles to be treated as Contraband of War.

GEORGE, R. I.

Whereas on the 14th day of October 1915,† WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as contraband during the continuance of hostilities, or until WE did give further public notice.

And whereas on the 27th day of January 1916,‡ WE did by OUR Royal Proclamation of that date make certain additions to and modifications in the list of articles to be treated as contraband ;

And whereas it is expedient to make certain further additions to and modifications in the said list :

*Published in Bom. G. G., Part I, 25th May 1916, p. 1044.

†Republished at p. 2761 of Bom. G. G., Part I, 11th Nov. 1915,

‡Republished at p. 372 of Bom. G. G., Part I, 2nd Mar. 1916.

Now, therefore, WE do hereby declare, by and with the advice of OUR Privy Council, that during the continuance of the war or until WE do give further public notice, the following articles will be treated as absolute contraband in addition to those set out in OUR Royal Proclamations aforementioned :—

Gold, silver, paper money, and all negotiable instruments and realisable securities.

Metallic chlorides, except chloride of sodium; metalloidal chlorides; halogen compounds of carbon.

Starch.

Borax, boric acid, and other boron compounds.

Sabadilla seeds and preparations therefrom.

AND WE do hereby further declare that as from this date the following amendments shall be made in Schedule I of OUR Royal Proclamation aforesaid :—

In item 3 the following shall be substituted for the present wording :—

‘Lathes, machines, and tools capable of being employed in the manufacture of munitions of war.’

In item 8 for ‘ether’ shall be substituted ‘formic ether; sulphuric ether.’

AND WE do hereby further declare that no gold, silver, or paper money captured after this date shall be treated as conditional contraband, and that, except as to captures already effected, item 14 shall as from this date be struck out of Schedule II of OUR Royal Proclamation aforementioned.

Given at OUR Court at Buckingham Palace, this Twelfth day of April, in the year of OUR Lord One thousand nine hundred and sixteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India.”

Page 399, And add the following Order of Council of the 14th April 1916 :—

Bombay Castle, 5th June 1916.

*No. 5680.—The following notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 3513-90-W.-II, dated Simla, the 27th May 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 14th day of April 1916.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under

*Published in Bom. G. G., 8th June 1916, Part I, p. 1173.

Section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas it is provided by Section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under Section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation,† dated the 28th day of July 1915, and made under Section 8 of the Customs and Inland Revenue Act, 1879, and Section 1 of the Exportation of Arms Act, 1900, and Section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—

Pig iron of all descriptions ;

Railway material, the following :

Steel rails ;

Steel sleepers ;

Steel springs ;

Steel wheels and axles ;

Shipbuilding material, the following :—

Boiler tubes ;

Condenser tubes ;

Steel plates and sectional materials for shipbuilding ;

Soap containing more than one per cent. of glycerine ;

Steel in bars, angles, rods and shapes or sections ;

Steel blooms, billets and slabs ;

Steel bridge, boiler and other plates not under $\frac{1}{8}$ -inch thick ;

Steel girders, beams, joists and pillars ;

Steel ingots ;

Steel tubes of all descriptions ;

Steel wire, except barbed and galvanised wire (the exportation of which remains prohibited to all destinations abroad other than British Possessions and Protectorates).

†Republished at pp. 2138-2146, Bom. G. G., Part I, of 26th Aug. 1915.

- (2) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates) :—

Aluminium Sulphate and alumino-ferric ;

Files ;

Lacs, not including lac dye ;

Soap, soft, containing one per cent. and less of glycerine.

- 3) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

Asphalt and solid or liquid bitumen ;

Fishing gear, except tackle for fishing by rod and line :

Petroleum and its products not already specifically prohibited ;

Scap, hard, containing one per cent. and less of glycerine.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

Page 399—And add the following Notifications :—

No. 5195.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" COMMERCE AND TRADE.

No. 3012-W., dated Simla, the 13th May 1916.

In pursuance of paragraph 1 of the Trading License (Persia) 1916, published with this Department's Notification (Commerce and Trade) No. 2274-W.,* dated the 29th April 1916, the Governor General in Council is pleased to declare that the persons named in the schedule attached to this Notification are well-disposed towards the British Government :—

SCHEDULE.

Name of Person.				Place of business.
D. J. Sofer and S. Sofer	..	..	..	Hamadan.
Sion Zarour	..	..	..	Do.
Selem Davud Shohet	..	..	..	Do.
Shaoul Sofer	..	..	..	Do.

(Signed) C. E. Low,

Secretary to the Government of India."

No. 5196.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 3106-II., dated Simla, the 13th May 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of this Department's Notification (Customs) No. 7051-W., dated the 22nd May 1915, as amended by Notification (Customs) No. 14513-W., dated the 11th September 1915, the Governor General in Council is pleased to prohibit the export of lacs of all kinds including shellac, gum lac, seed lac and stick lac, but not lac dye, to all countries except the United Kingdom, British Possessions and Protectorates :

Provided that nothing in this notification shall apply to—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in—
 - (a) French or Portuguese Possessions in India ; or
 - (b) Native States in India ;
- (iv) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,

Secretary to the Government of India.”

Page 399, Add the following :—

NOTIFICATION.

*REVENUE DEPARTMENT.

Bombay Castle, 20th May 1916.

No. 5246.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ No. 3257-W., dated Simla, the 17th May 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of raw jute to the Argentine, Brazil, Cuba, Hayti, San Domingo, Dutch and Danish West Indies, Dutch, Guiana, Panama, Venezuela, Columbia, Ecuador, Bolivia, Central America, Chile, Peru and Mexico.

(Signed) C. E. Low,

Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,

P. R. CADELL,

Chief Secretary to Government.

Page 399. Also add the following Notification of the 5th day of June 1916.

*NOTIFICATION.

REVENUE DEPARTMENT

Bombay, Castle, 8th June 1916..

No. 5785.—The following Notification by the Government of India Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 4064-W.-II, dated Simla, the 5th June 1916.

In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the exportation from British India of the following goods shall be prohibited to all destinations :—

- Steel in bars, angles, rods and shapes or sections ;
- Steel blooms, billets and slabs ;
- Steel bridge, boiler and other plates not under $\frac{1}{2}$ -inch thick ;
- Steel girders, beams, joists and pillars ;
- Steel ingots ;
- Steel tubes of all descriptions ;
- Steel wire ;

Provided that nothing in this notification shall apply to :—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in Native States in India ;
- (iv) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

P. R. CADELL,

Chief Secretary to Government

Page 426—Add as a footnote to clause 2—

This license is revoked by Notification of 29th April 1916, vide page 397 ante.

Page 426—Transpose Not. of 9th Aug. 1914 to foot of page 179.

Page 427—Transpose the Rules hereon to page 420.

Page 433—Transpose Not. of 29th Dec. 1914 to page 436.

Page 433—Transpose Not. of 20th March 1916 to page 453.

Page 434—Transpose Communiqué of 28th Feb. 1916 to page 452.

Page 434—Transpose Communiqué of 18th March 1916 to page 453.

Page 434—Transpose Not. of 26th Feb. 1916 to page 452.

*Published in Bom. G. G. Extra., 8th June 1916, Part I, p. 1198.

TABLE OF CASES.

	PAGE.		PAGE.
Aitchison v. Dixon	10	Cosmopolite, The	36
Albrectht v. Sussman	15	Courteen's Case	143
Alcinous v. Nigreu	2		
Anna, The	137	Daifjie, The	137
Anna Catharina, The	16, 138	De Beers Consolidated Mines Ltd.	
Anthony v. Fisher	128	v. Howe	25
Antoine v. Morshead	10, 127	De Jager v. Attorney-General of	
Ariel, The	3	Natal	6
Armitage v. Borgmann	30	Delmada v. Motteux	112
Arnhold, Karberg & Co., v. Blythe		De Montaign v. De Montaign ..	24
Greene, Jourdain & Co., Ltd.	114, 121	DeSouza v. Secretary of State ..	105
Attorney-General v. Fitzgerald ..	10	Diana, The	11, 16
Aubert v. Gray	112	Dolphin v. Robins	23, 24
Avery v. Bowden	118	Driefontein Consolidated Mines v.	
		Janson	1, 3, 113
Baglehole, exparte	41, 145	Duleep Singh, In re, exparte Cross..	10
Baltica, The	102, 138	Duncan Fox & Co. v. Schrempt &	
Bank Fir Handel and Industrie,		Bourke	83, 120
In re	134	Dunn v. Bucknall Bros.	123, 126
Barenfels, The	38, 107		
Barker v. Hodgson	119	Emmanuel, The	126
Bazett v. Meyer	127	Ernst Merck, The	13
Beckor Gray & Co., v. London		Esposito v. Bowden	3, 118
Assurance Co.	114		
Bekhor v. Haji Sultanalli Shush-		Feize v. Thompson	147
tary & Co.	83	Fenton v. Pearson	146
Bell v. Kennedy	11	Firebrace v. Firebrace	10
Bell v. Reid	22, 38, 126	Flindt v. Scott	146, 148
Bempde v. Johnstone	11	Fox, The	69
Bermuda, The	53, 57	Freundschaft, The	19
Bernon, The	7, 22, 138	Furtado v. Rodgers	112, 128
Blight v. Page	119	Gamba v. Le Mesurier	112
Boedes Lust, The	2	Gibson v. Service	113
Bombay & Persia S. N. Co. v.		Gordon's, case (Lord George) ..	2
Rubattino Co.	119	Gordon v. Vaughan	113
Boucher v. Lawson	46	Government v. Zimmerman ..	23
Boulton v. Dobree	103, 145	Griswold v. Waddington	29
Boussmaker, exparte	29		
Branding v. Curling	112	Hagedorn v. Bell	14
Brandon v. Nesbitt	112, 127	Hagedorn v. Bazett	113, 150
Bromley v. Hesselstine	10, 113	Hagedorn v. Reid	149
Brown v. Royal Insurance Co. ..	119	Harmony, The	13, 102
Brown v. United States	134	Harvey v. Fernie	23
Burton v. Fisher	10	Hobbs v. Henning	113
Busk v. Bell	147	Hoop, The 3, 21, 33, 34, 113, 118,	141
Butler v. Allnutt	113	Hoskins v. Mathew	10
		Huntley v. Gaskell	11
Calcutta Jute Mills v. Nicholson ..	25		
Calvin's Case	5	Imina, The	51
Camelo v. Britten	148	Indian Chief, The	13, 16, 17, 102
Castel v. Trechman	123	Industrie, The	138
Cesena Sulphur Co. v. Nicholson ..	25	Ingle v. Continental Insc. Co. of	
Clemonston v. Blessig	147, 148	Manheim	92, 111, 129

	PAGE.		PAGE.
Jacobs v. Credit Lyonnais ..	119	New York Life Insce. Co. v.	
James, In re, James v. James ..	10	Clopton ..	115
Jan Frederick, The ..	138	New York Life Insce. Co. v.	
Janson v. Driefontein Cons. Mines		Statham ..	115
Ltd. 1, 25, 35, 88, 101, 116, 127, 144		Nigel Gold Mining Co. v. Hoade ..	13
Johana Emelie, The ..	102, 134		26, 114
Johnston & Wright v. Goldsmid ..	107	Nissim Bekhor v. Haji Sultanalla	
Jonge Margaretha, The ..	59	Shushtary & Co. ..	83
Jonge Pieter, The ..	42, 125		
Juffrow Catharina, The ..	108	Ocean, The ..	13, 16
Julia, The ..	37	O'Meally v. Wilson ..	16
		Orenstein & Koppel v. Egyptian	
Karl Ettlinger v. Chaggandas & Co	64	Phosphate Co. ..	89
Keis v. Andrade ..	113		
Kensington v. Inglis ..	146	Padgett v. Chotia ..	93
Kim, The ..	52, 69	Panaja Drapanistisa, The ..	35
King, the v. Superintendent Albany		Panariellos, The ..	36, 43, 61
Police Station ..	5	Perkoe, The ..	108
		Peterhoff, The ..	53, 57
La Gloire ..	137	Phoenix, The..	148
Leader v. Direction Der Disconto		Pieschall v. Allnutt ..	113
Gessellschaft ..	151	Porter v. Freudenburg ..	102, 105, 142
Lemcke v. Vaughan ..	149	Potts v. Bell ..	33, 42, 112, 118, 127
Liesbet Vander Toll, The ..	137	President, The ..	16
Lisette, The ..	51	Primus, The ..	138
		Princess Thurn & Taxis ..	
Mackenzie, In re, Mackenzie v.		Moffitt ..	101, 143
Edwards ..	24	Rapid, The ..	37
Madonna Della Gracia, The ..	42	Redmond v. Smith ..	112
Maisonnaire v. Keating ..	72	Reichenfels, The ..	35
Manningtry, The ..	17, 83	Reid v. Hoskins ..	118
Marais, In re ..	4	Rex v. Ahlers ..	32
Maria v. Hall ..	127	v. Desperdo ..	127
Maria, The ..	51	v. Kupfer ..	7, 29, 96
Marie Glaeser, The ..	126, 144	v. Lynch ..	6
Mary Duchess of Sutherland, In re,		v. Meagher ..	152
Bechoff v. Bubna ..	144	v. McCafferty ..	152
Mashona, The ..	127	v. Oppenheimer ..	38, 42, 62, 83
Mathews v. McStea ..	29	v. Superintendent	
Maxwell v. Grunhut ..	97	Albany	
McConnell v. Hector ..	7, 16	Police Station ..	5
Mercantile Bank of India v. Motishaw		v. Superintendent Vine Street	
& Co. ..	40, 107	Police Station ..	6, 10, 102, 144
Mercurius, The ..	108, 126	Ricord v. Bettenham ..	128
Mitchell, In re, exparte Cunningham		Roberts v. Hardy ..	7, 9
ham ..	10	Robson v. Premier Oil & Pipe Line	
Morgan v. Oswald ..	146, 148	Co., Ltd. ..	38, 90
Moorhouse v. Lord ..	11	Robinson v. International Life	
Motishaw v. Mercantile Bank of		Assce. Society ..	115
India ..	41, 129	Robinson v. Touray ..	149
Möwe, The ..	124	Robinson Gold Mining Co. v. Alli-	
Muller v. Gernon ..	126	ance Insce. Co. ..	3, 114
		Rombach v. Gent ..	96
		Ropner & Co. v. Ronnebeck ..	124
		Rucker v. Ansley ..	141, 150
Nayade, The ..	3		
Nassau, The ..	72	Sanday & Co. v. British and Foreign	
Netherlands South African Co. v.		Insce. Co. ..	36, 79, 114
Fisher ..	6, 26	Sands v. New York Life Insce. Co.	115
New York Life Insce. Co. v. Davis ..	115	San Jose Indiano ..	19

TABLE OF CASES.

xxvii

	PAGE.		PAGE.
Sarah Christina, The ..	126	Udny v. Udny ..	8, 13
Schmidt v. Van der Veen ..	97	United States of America v. Pelly..	3
Scott v. Attorney General ..	24		
Siffken v. Allnutt ..	149	Vandyck v. Whitmore ..	140, 146, 148
Sjoerds v. Luscombe ..	120	Venus, The ..	18, 19, 21
Smart v. Wolff ..	126	Vigilantia, The ..	17, 19, 138
Smith Coney and Barrett v. Becker ..	121	Virginie, The ..	13
Société Anonyme Belge des Mines D'Aljustrel v. Anglo Belgian Agency, Ltd. ..	88, 139	Volke v. Rotunda Hospital ..	102, 143
Society for the Propagation of the Gospel v. Wheeler ..	25	Vrow Elizabeth, The ..	138
Sorensen v. Regina ..	15	Vrow Margaretha, The ..	138
Sparenburgh v. Bannatyne ..	6, 127, 148		
Springbok, The ..	53, 57	Waugh v. Morris ..	112, 119
Stephen Hart, The ..	53	Weber, exparte ..	6, 10
Sutherland, Mary, Duchess of, In re, Bechoff v. Babna ..	144	Wells v. Williams ..	15, 101, 142, 145, 151
Sylvestre's Case ..	5, 143	Welwaat, The ..	138
		William, The ..	51, 57
Tabbs v. Benelack ..	16	Williams v. Dormer ..	24
Tamplin Steamship Co. v. Anglo-Mexican Petroleum Co. ..	124	Willison v. Patteson ..	7, 127
Teutonia, The ..	3, 121	Wilson v. Marryatt ..	13, 113
Textile Manufacturing Co. v. Salomon Bros. ..	27	Wilson v. Rogosine & Co., Ltd. ..	98, 106
Thurn and Taxis, Princess of, v. Moffit ..	101, 143	Winans v. Attorney-General ..	11
Trende Sostre, The ..	51	Wolf & Sons v. Carr Parker & Co., Ltd. ..	90
Troijsa The ..	144	Wolf v. Oxholm ..	135
Twee Gebraeders, The ..	137	Worthington v. Charter Oak Life Insce. Co. ..	115
		Yelverton v. Yelverton ..	23
		Yonge Klassina, The ..	15
		Young Jacob and Johanna, The ..	137
		Zamora, The ..	69

TABLE OF STATUTES AND ORDINANCES REFERRED TO WITHIN.

ENGLISH ACTS OF PARLIAMENT.		PAGE.
25 Edw. III, c. 2. [Statute of Treasons]	.. .. .	32
3 & 4 Will. IV, c. 85	.. .. .	28
22 Geo. III, c. 25	.. .. .	128
24 & 25 Vict., c. 67	.. .. .	163
27 & 28 Vic., c. 25	.. .. .	128
4 & 5 Geo. V, c. 17 [British Nationality and Status of Aliens Act, 1914]	5, 6, 7	
4 & 5 Geo. V, c. 64 [Customs (Exportation Prohibition) Act, 1914]	..	65, 482
4 & 5 Geo. V, c. 87, [Trading with the Enemy Act]	.. .. .	154

INDIAN ACTS AND ORDINANCES.

Act 30 of 1852, The Naturalization Act	.. .. .	7
„ 45 of 1860, The Indian Penal Code	.. .. .	85
„ 3 of 1864, The Foreigners Act	.. .. .	162, 354
„ 1 of 1872, The Evidence Act	.. .. .	2
„ 1 of 1915, The Emergency Legislation Continuance Act	..	131, 351
„ 6 of 1915, The Indian Patents and Designs Temporary Rules		99, 418
„ 14 of 1915, The Enemy Trading Act	.. .. .	98, 108, 133, 153

ORDINANCES.

No. III of 1914, Foreigners Ordinance..	.. .. .	28, 131
„ VI of 1914, Commercial Intercourse with Enemies Ordinance...		85, 163
„ VII of 1914, Foreigners (Amendment) Ordinance	.. .. .	131
„ VIII of 1914, Ditto.	.. .. .	131

TRADING WITH THE ENEMY.

CHAPTER I.

WAR.

THE subject of Trading with the Enemy supposes the existence of war. It is therefore desirable to understand the meaning of the word, familiar as we may be with it in these days, for there is a great difference between "war" and "the rumours of war" and one not of academical interest only, as the cases in our books will show. "War" and the "imminence of war" are not to be confused together. The law only recognises and knows of two states—war or peace. Contingency of war constitutes no intermediate state that is recognised by law. Peace, and peace with all its attendant consequences, exists until the Government of the State declares or makes war, or accepts a hostile challenge (*Janson v. Driefontein Consolidated Mines, Ltd.*, L.R., A.C., 484).

The definition of war that has been accepted in the English Courts (*Driefontein Consolidated Mines v. Janson*, 1900 2 Q. B., 339 at p. 343) is thus stated by Hall :—

"When differences between States reach a point at which both parties resort to force, or one of them does acts of violence, which the other chooses to look upon as a breach of the peace, the relation of war is set up in which the combatants may use regulated violence against each other until one of the two has been brought to accept such terms as his enemy is willing to grant."

In this connection certain acts of States such as "embargoes," "pacific blockades" and the like, may shortly be considered.

An embargo is the placing of restraint upon vessels in the Ports of the Country that imposes the same. It is usually resorted to when political relations between States become strained and the outbreak of war is anticipated, and its object is usually twofold, namely to prevent information as to the defences of the Port reaching the other side, or as a means of coercing a weaker State.

The seizure of the vessel, although having the character of a hostile seizure, is provisional and liable to be varied by subsequent events and so amounts to nothing more than a temporary sequestration or a mere embargo. Property thus restrained or seized is usually restored at the conclusion of the embargo. (*The Boedes Lust*, 1804, 5 Rol. Adm. Rep. 233 at p. 245).

Turning next to the state of affairs known as Pacific Blockade, this state as the name shows is not an action of war. It is the congregation of such a show of force against the state, the subject of the blockade, as to induce it to reasonableness and the abandonment of resistance to the blockading Power.

In English Law a Court is bound to take judicial notice that war exists between some other country, and the country of the Court. It is a matter of notoriety and need not be proved by express evidence (*Alcinous v. Nigreu*, 1854, 4 Ell. B. 217; *Lord George Gordon's case*, 1782, 22 How. St. Ts. 230).

In British India by section 57 of the Evidence Act, Courts shall take judicial notice of the commencement,

continuance and termination of hostilities between the British Crown and any other State or body of persons.

As regards the formal declaration of war—there can be war without any previous announcement. It is of course desirable that war should not descend upon a country out of a clear sky without warning, but in international practice it is recognised that the declaration of war is not a necessary preliminary to a state of war.

No formal Declaration of War is necessary.

A war may exist *de facto* without a declaration of war, but this can only be effected by an actual commencement of hostilities. (*The Teutonia*, 1872, L.R., 4 P.C. 171 at p. 179: see also *United States of America v. Pelly*, 1899, W.N. 11 at p. 12). It is by no means necessary that both countries should declare war. A state of war may exist independently of and prior to a declaration of war. (*The Nayade*, 1802, 4 ch. Rob. 251, at p. 253; *The Ariel*, 11 Moo. P. C. 119.).

When a declaration of war is made the force it has is equal to that of an Act of Parliament and it carries with it all the force of law (*Esposito v. Bowden*, 1857, 7 Ell. and B. 763).

Under the British Constitution it is one of the prerogatives of the Crown to declare a war and to conclude a peace. (*The Hoop*. 1 ch. R. 196 at p. 199).

In the late war between the South African Republics and Great Britain the English Courts treated the ultimatum given by the late Republican Governments as the beginning of hostilities, without waiting for the expiry of time in the ultimatum. (*Driefontein Consolidated Gold Mines Co. v. Janson*, 1902 A.C. 484; *Robinson Gold Mines Co. v.*

Alliance Inse Co., 1901, 2 K.B. 919. In re *Marais* 1902 A.C. 109).

Article I of the Convention relative to the opening of Hostilities, which concluded at the Hague on October 18, 1907, declares that the contracting Parties recognise that hostilities between themselves must not commence without previous and explicit warning in the form either of a reasoned declaration of war, or of an ultimatum with conditional declaration of war.

The Declarations and Proclamations notifying the outbreak of war between Great Britain and the various States during the present hostilities are collected together hereafter in one Appendix (vide Appendix I.).

CHAPTER II.

WHO ARE "ENEMIES."

Most of the countries of Europe recognise the general principle of law that one result of countries going to war with each other is to suspend commercial intercourse between the countries at war and to prevent the subjects thereof trading with the public enemy unless with the permission of the Sovereign.

It thus becomes desirable to discuss the status of persons who may be considered to be "enemy" subjects, and such terms as "aliens," "enemy," "hostile foreigner" and "hostile firm" may be considered in their order.

The term "aliens" is usually applied to those subjects who are not British subjects but who are on British soil. Every person is an alien who is born out of the liegeance of the King, and who has not become by naturalization, or by marriage, a British subject. Every person born within the British Dominions is a British subject, and every person born out of them is an alien, except the child of an alien enemy born within the British dominions. (*Calvin's Case*, 1608, 7 Co. Rep. 1). A child born in a foreign State prior to the commencement of the British Nationality and Status of Aliens Act, 1914, does not obtain the Status of British Nationality by the mere fact that his father was a naturalized British subject. (*The King v. Superintendent Albany Police Station*, 1915, 3 K. B. D. 716).

An alien enemy is an alien whose State or Sovereign is

Enemy.

(I.)

By Birth.

at war with His Majesty the King Emperor
(*Sylvestre's Case*, 1702, 7 Mod. Rep. 150).

At common law an alien enemy has no rights and can be seized and imprisoned under the

Prerogative of the Crown. He can have no advantage of the law of England, and for the purposes of a writ of "*Habeas Corpus*" must then be regarded as a prisoner of war (*Ex parte Weber*, 1915, 31. T. L. R., 602; *Rex v. Superintendent of Vine Street Police Station*, 1915, 32 T. L. R., 3).

(II.)
By participating in hostilities. A neutral, or even a British subject, can become an "enemy" by participating in hostilities on behalf of the State or Sovereign at war with the United Kingdom. In one case it was found by a jury that a company and its officers that had adhered to the enemy were alien enemies (*The Netherlands South African Rly. Co. v. Fisher*, 1901, 18, T. L. R., 116). In fact an alien resident in British territory cannot on that territory being occupied by the enemy forces take up arms for the invaders without being guilty of treason (*De Jager v. Att. Gen. of Natal*, 1907, A. C. 326). It is always a question to what extent such participation must go (*Sparenburgh v. Bannatyne*, 1 B. and P. Rep. 163).

(III.)
By Naturalization. Next, enemy status can be acquired by naturalization in a State which subsequently goes to war with Great Britain, for persons under most systems of law can divest themselves of the nationality they have acquired by birth and invest themselves with another nationality. It may be noted that a British subject cannot become naturalised in a foreign State at a time when such a State is at war with Great Britain and such act would not afford a defence to an indictment for treason on such party subsequent to the attempted naturalisation taking up arms on behalf of such foreign State (*R. v. Lynch*, 1903, 1 K. B., 444).

The British Nationality and Status of Aliens Act, 1914, (4 and 5 Geo. 5, ch. 17) consolidates and amends the

English enactments relating to British Nationality and the status of aliens. In British India the Act regulating the naturalisation of aliens is Act 30 of 1852, and, in short, the effect of naturalization thereunder is that such aliens are deemed to be natural born subjects of His Majesty and as if they had been born within the territories of His Majesty. Regulations have been passed in England on the 19 January 1916 known as the British Nationality and Status of Aliens Regulations (India) 1916, which have been re-issued in India by Notification No. 507 C, dated the 11 February 1916, under the Act 4 and 5 Geo. V, ch. 17 (*supra*), which as the title shows concerns naturalization of persons in British India (*vide* Bom. G. G. 17 Feb. 1916, Part I, p. 264).

(IV.).
By residence or
business in an
Enemy State.

A British subject by residing or trading in a hostile State becomes an alien enemy (*McConnell v. Hector*, 3 B. P., 113; *Roberts v. Hardy*, 1875, 3 M. & S., 533; *Willison v. Patteson*, 1817, 7 Taunt, 439; *Rex v. Kupfer*, 1915, 31 T. L. R., 223).

Neutral character can be superseded by being in an enemy's country during war and engaged in trade there, for the presumption arising from a party's residence there is that he is there *animo manendi* (*The Bernon*, 1 Ch. Rob. 101).

The reason for these views is that a foreigner living and established within the territory of a State is to a large extent under its control. He cannot be made to serve it personally in war, but he contributes by way of payment of ordinary taxes to its support, and his property is liable like that of subjects to such extraordinary subsidies as the prosecution of a war may demand. His property, being thus an element of strength to the State it may reasonably

be treated as hostile by an enemy (*Hall's Inter. Law*, 5th Ed., p. 497).

This form of domicile is usually termed domicile of choice, the other forms being domicile of origin and by operation of law. These three forms cover the domicile of everyone, man, woman or child, from the cradle to the grave.

The following description of the circumstances which create or constitute a domicile is given in *Udny v. Udny*, 1869, L. R., H. L., Sc., 441) :—

“ It is a settled principle that no man shall be without a domicil, and to secure this result the law attributes to every individual as soon as he is born the domicile of his father, if the child is legitimate, and the domicile of the mother, if illegitimate. This has been called the domicile of origin and is involuntary.

“ Other domicils, including domicil by operation of law, as on marriage, are domicils of choice. For as soon as an individual is *sui juris* it is competent to him to elect and assume another domicile, the continuance of which depends upon his will and act. When another domicil is put on, the domicil of origin is for that purpose relinquished, and remains in abeyance during the continuance of the domicil of choice; but as the domicil of origin is the creature of law, and independent of the will of the party it would be inconsistent with the principles on which it is by law created and ascribed, to suppose that it is capable of being by the act of the party entirely obliterated and extinguished. It revives and exists whenever there is no other domicil, and it does not require to be regained or reconstituted *animo et facto* in the manner which is necessary for the acquisition of a domicil of choice. Domicile of choice is a conclusion

“or inference which the law derives from the fact of a man fixing voluntarily his sole or chief residence in a particular place, with an intention of continuing to reside there for an unlimited time.”

For purposes of the subject of Trading with the Enemy the merchant of to-day is more concerned with domicils of choice and by operation of law. In considering domicile of choice, the chief points to bear in mind are the fact of the person's residence in the new country, his intention as to remaining there permanently, and the object of his residence therein.

Mere residence and no more may not be sufficient to establish the inference that the party so residing is adhering to the King's enemies. As Lord Ellenborough said :—

“Here is a person who in a season of profound peace sets out for a foreign country, and it does not appear at what time he arrived there, or what time was afforded him after his arrival and after the country became hostile to turn himself round in order to take measures for quitting it during the period allowed by law. . . . It is too much therefore to attach upon his remaining there and not getting away from the country upon its becoming hostile, those disabilities which belong to a person who adheres to the King's enemies.” (*Roberts v. Hardy*, 1815, 3 M. and S. 533).

In fact all cases of a special character such as residence abroad on the score of illness or some other motive, inability to return, prisoners and parties interned, have to be treated on their own footing. Some cases may usefully be cited in this connection.

An invalid abroad for his health does not acquire a new domicile, for the presumption is that he will return on his

health being restored (*Firebrace v. Firebrace*, 1878, 4 P. D. 63). But in cases of this kind it will depend on whether the person, however reluctant, had a fixed determination to make his home in the place of residence (*Hoskins v. Mathew*, 1856, 8 De G. M. and G., 13 C. A.; *Aitchison v. Dixon*, 1870, L. R. 10 Eg. 589; *Att. Gen. v. Fitzgerald*, 1856, 3 Drew 610; see also *Re James, James v. James*, 1908, 98 L. T. 438).

It is obvious, for instance, that a forced residence in an enemy country, such as a prisoner of war, would not have the effect of clothing such person with enemy character (*Antoine v. Morshead*, 1815, 6 Taunt., 237; *Burton v. Fisher*, 1821, Milw. 183; *Re Duleep Singh*, ex parte *Cross*, 1890, 7 Morr. 228, C. A.). The detention of a person on the outbreak of war in a hostile State will not make him an alien enemy (*Bromley v. Hesselstine*, 1807, 1 Camp., p. 77) :

And apparently internment of an alien enemy would not invest such person with character other than that of his own, as recent cases hold that the position of a person interned who is an alien enemy is deemed to be that of a prisoner of war, nor does it matter that he is a civilian and was not apprehended in arms.

(Ex parte *Weber*, 1915, 31 T. L. R. 602; *Rex v. Superintendent Vine Street Police Station*, 1915, 32 T. L. R. 3).

One other special class of case has to be considered—as for instance, a person taking up a post of employment in the service of a foreign State. So doing will constitute a change in the domicile of such person not because of service but because under the circumstances an intention of permanence is thus shown (*Re Mitchell*; ex parte *Cunningham*, 1884, 13 B. D., 418, Q. B. A.).

And so, too, a subject of His Majesty entering into the military or naval service of a foreign power

acquires a domicile in the country of that power. (*idem*).

Apart from cases of a special class, the actual place where a man is, is *prima facie* to a great many purposes his domicile (*Bempde v. Johnstone*, 1796, 3 Ves. 198), but this presumption can be rebutted by proof of intention on his part not to reside there permanently or for an indefinite term. The actual duration of residence in the new country may be important as evidence of intention but no more, as in the well-known instance of Mr. Winans, the American, who had resided without interruption in England for 28 years, but was held nevertheless not to have shown a fixed and settled intention of abandoning his domicile of origin (*Winans v. Att. Gen.*, 1904, A. C. 287).

Conversely though residence may be for a short time, a permanent intention to establish business may create a domicile of choice (*The Diana*, 5 Rob. 60). A fixed intention by itself is not enough, the intention must be carried out by actual residence (*Bell v. Kennedy*, 1868, L. R. I. H. L., sc., 307 at p. 319).

The making of a new home in another country must show from the circumstances a clear intention to abandon the one domicile and to acquire the other (*Huntly v. Gaskell*, 1906, A. C. 56). To put the matter in practical language, it is not enough that you merely mean to take another house in some other place, and that on account of your health, or for some other reason, you think it tolerably certain that you had better remain there all the days of your life. That does not signify. You do not lose your domicile of origin, or your resumed domicile merely because you go to some other place that suits your health, or for some other motive, to cease to be a Scotchman, and become an Englishman, or a Frenchman or a German. In that case if you give up everything you left

behind and establish yourself elsewhere, you may change your domicile. But it would be a most dangerous thing in this age, when persons are so much in the habit of going to a better climate on account of health, or to another country for a variety of reasons, for the education of their children, or from caprice or for enjoyment, to say that by going and living elsewhere, still retaining all your possessions here and keeping up your house in the country, you make yourself a foreigner instead of a native (*Moorhouse v. Lord*, 1863, 10. H. L. C. 272, at p. 283).*

Lord Stowell has put the rule in these words :—

“ Of the few principles which can be laid down generally I may venture to hold that time is the grand ingredient in constituting domicile. I think that hardly enough is attributable to its effects ; in most cases it is unavoidably conclusive : it is not infrequently said that if a person comes only for a special purpose that shall not fix a domicile. . . a special purpose may lead a man to a country where it shall detain him the whole of his life . . . I cannot but think that against such a long residence the plea of a special purpose could not be averred ; for it must be inferred in such a case that other purposes forced themselves upon him and mixed themselves with his original design and impressed upon him the character of the country where he resided. Suppose a man comes into a belligerent country at or before the beginning of a war ; it is certainly reasonable not to bind him too soon to an acquired character and to allow him a fair time to disengage himself ; but if he continues to reside during a good part of the war, contributing, by payment of taxes or other means, to the strength of the country, I am of opinion that he could not plead his special purpose with any effect against the rights of hospitality. . . Time is the great agent in this matter :

“ it is to be taken in a compound ratio of the time and the occupation, with a great preponderance on the article of time” (*The Harmony*—2 Rob. 322).

And so a subject of one country surprised by a declaration of war in the country where he has a commercial domicile ought to have time allowed him to free himself from his commercial engagements and effect a removal of his property (*Nigel Gold Mining Co. v. Hoade*, 1901, 2 K. B. 849; see also “*The Ocean*,” 5 Ch. Rob. 90).

It should be understood that even assuming that a person resided in an enemy state, this is not conclusive of the matter because the character that is gained by residence ceases by residence. It is an adventitious character, which no longer adheres to him from the moment that he puts himself in motion bona fide to quit the country. (*The India Chief*, 3 Rob. 20). Domicile may be changed during war, but the acquisition of another nationality (not the national character of origin) must be bona fide and cannot be effected by a mere money payment. (*The Ernst Merck*, Spinks 89).

It is true that native domicile very easily reverts (*Udny v. Udny*, 1869, 7 M. (H.L.), 98), but a person going to a foreign country has to contend with the presumption that he does not intend to make a permanent stay therein.

It requires fewer circumstances to constitute domicile in the case of a native subject who returns to reassume his original character than it does to impress the natural character on the enemy (*La Virginil*, 1804, 5 ch. Rob. 99). It is of course obvious that a return to the home country for a mere temporary purpose without intending to abandon the foreign domicile, will not have the effect of a change of domicile (*Wilson v. Marryatt*, 1788, 8 T. R. 31).

There is still a class of case left to be touched upon that arises when territory is captured. Though a State may be in the military possession of one of two belligerents that will not constitute her subjects enemies to the other belligerent, if the sovereign power of the latter chooses to permit a continuance of commerce with them. This view was accepted in a case upon a policy of insurance on goods at sea which were captured by the French, the goods being permitted to be exported from London to any port in the Baltic. The parties having an insurable interest were resident in Hamburg, which was overrun and held by the French, and the question was, whether by such occupation the subjects of Hamburg were not enemies. It was held that the Plaintiffs could recover because England had not treated the occupied territory as hostile and Hamburg continued to be governed as it always had been previous to the arrival of the French. (*Hagedorn v. Bell*, 1 M. S. Rep. 451). The case is of interest in view of the occupations of territory in the present war by the enemy, especially as regards the occupation of Belgium, and the Royal Proclamations prohibiting certain exports to the Ports of Belgium. In the present war a Proclamation of the 16 February 1915 deals with the position of persons in occupied territory, as also a Proclamation of the 14 September 1915 (vide Appendix III).

Nowadays the term commercial domicile is frequently heard, and it may be useful to discuss what is meant by the term at this stage.

v.
By commercial
domicile.

Commercial domicile is of use in determining in times of war a person's character as an enemy or a neutral. It has this difference from ordinary forms of domicile that a man is capable of having more commercial domiciles than one, because he may trade and carry on business in more countries than one. A commercial domicile, then, is

acquired whenever a person resides and carries on business in a country in time of war without any intention of bringing his business to an immediate end (*Halsbury's Laws of England*, Vol. 6, p. 195).

The reported cases show that the subject of a State at war with Great Britain who is carrying on business in Great Britain, or in a foreign neutral State, is not treated as an alien enemy. The validity of his contracts does not depend on his nationality, nor even on what is his real domicile, but on the place or places in which he carries on his business or businesses, (*Wells v. Williams*, 1698, 1 Salk. 45). A man, it has been said, may have mercantile concerns in two countries, and, if he acts as a merchant in both he must be liable to be considered as a subject of both with regard to the transactions originating respectively in those countries. That he has no fixed counting house in the enemy's country will not be decisive (*The Yonge Klassina*, 1804, 5 ch. Rob. 302). So much indeed does the fact of trading in an enemy country stamp the trader with enemy character, that it has been held that a neutral residing in an enemy's country, and as a consul of a neutral State, is to be regarded as an enemy by reason of his trading in the State as a merchant (*Sorensen v. Reg.* 1857, 11 Moo. P.C., 141; *Albretcht v. Sussman* 1813, 2 Ves and B. 323).

If a British subject resides in an enemy's country without being detained as a prisoner of war he is precluded from suing here. Nor does it signify that he is recognised as a citizen by a neutral State. He cannot throw off his allegiance to his native Sovereign. The place of his birth is immaterial. He must be considered as a subject of that State in which he resides and carries on commerce, and doing so in a country with which we are at war, for all.

civil purposes, he is an enemy (*O'Mealey v. Wilson*, 1808, 1 Camp. Rep. 482).

The fixing of a future time for the termination of the business will not avoid the acquisition of commercial domicile, nor is any particular length of residence required (*The Diana*, 1803, 5 Ch. Rob. 59; *The Indian Chief*, 1801, 3 Ch. Rob. 12). There must be conduct amounting to "commercial adherence" to a State (*McConnell v. Hector*, 1802, 3 B. and P. 113), and the person must so far act as a merchant of the country that the country may be said to derive advantage from his trade (*Tabbs v. Bendelack*, 1801, 4 Esp. 108). The employment of a permanent business agent residing in the country does not create a domicile for the merchant, (*The Anna Catharina*, 1802, 4 Ch. Rob. 107).

The clothing a neutral with enemy character by reason of trading or residing in hostile territory will not invest him with such character if he leaves the hostile country or even intends to leave it when such intention is manifested by overt acts, or accompanied by steps taken for that purpose (*The President*, 1804, 5 Ch. Rob. 277; see also *Dicey's Conflict of Laws*, 2nd ed. p. 744). The withdrawal should be effected as soon as possible unless it is delayed by necessity or compulsion (*The Diana*, 1803, 5 Ch. Rob. 60; *The Ocean*, 1804, *ibid*, 90; *The President*, *supra*). As Dicey puts it:—

"In time of war a man is domiciled for commercial purposes in the country where in fact he resides, and if he is to escape the effect of such presumption he must prove affirmatively that he has the intention of not continuing to reside in such country. A long period, further, of residence which, as regards civil rights, is merely evidence of domicile might, it would seem, be

“absolutely conclusive in determining national character in time of war” (Dicey’s *Conflict of Laws*, 2nd ed., p. 742).

Then, again, commercial domicile may be established without residence. If a person joins a house of commerce that does business in an enemy country, he cannot by residence in a neutral country escape the consequences of his business connection, for there is a traffic which stamps a national character on the individual independent of that character which mere personal residence may give him (*The Vigilantia*, 1798, 1 ch. Rob. 15).

Where, of course, both residence and trade are coupled together then, no position is more established than this, that, if a person goes into another country and engages in trade and resides there, he is, by the law of Nations, to be considered as a merchant of that country (*The Indian Chief*, 1800, 3 Ch. Rob. 18).

In a recent Prize case in England (*The Manningtry*, 32 T. L. R. 36; 60 Sol. J. 75) all the authorities were considered. The facts were as follows:—

Certain consignments of metal were laden on a British vessel, being shipped by an Australian Company at Port Pirie in South Australia before the outbreak of war and consigned to the order of the shippers or their assigns at Antwerp. The vessel was chartered by the “Metallgesellschaft” of Frankfurt-on-Main. The goods were seized in the Port of Brixham on the 23rd September 1914. Five commercial bodies or firms were concerned in the intricate transactions which had to be investigated by the Court, the Metallgesellschaft, a large German metal company with its head office at Frankfurt-on-Main, Henry Merton & Co., Ltd., of London, a registered British company, and others. A close and complicated inter-relationship existed between the various companies and firms in respect of the directorships, share-holdings, and general business

relations. At all times and places it was found that the "Metallgesellschaft" exhibited its powerful influence. Certain of the companies claimed one-fourth share each in the leady concentrates as three members of a "pool designated the 4/4 account" of which the other member was the "Metallgesellschaft," and the release and restitution of these three-fourths was demanded as if the pool was a partnership consisting of three British partners and one enemy partner.

Sir S. Evans held on the facts that the sole ownership and dominion over the goods were vested in the Metallgesellschaft and were therefore enemy property and subject to condemnation, but he went on, to use his own words :

" I must however deal with the claim from the alternative standpoint, on the assumption that the case must be considered as if the goods belonged to a partnership.

" The partnership named consists of four members, " A, B and C being in the position of British subjects, and " D a German subject, and the question to be determined " would be what the position was in the circumstances " of the case with regard to the right of capture or seizure " of the goods at sea after the commencement of hostilities. If a subject of a belligerent or a neutral had a " business in hostile territory at the outbreak of war, and " resided there, he would, according to international law, " have a commercial domicile there, and his goods would " be subject to capture at sea after hostilities, although " shipped before the war (*The 'Venus,'* 8 Cranch, 253).

" Apart from a commercial domicile by residence, " the property of a person may acquire a hostile character, independently of his national character, or his " personal residence. If a person be a partner in a house " of trade, in an enemy's country, he is, as to the concerns " and trade of that house, deemed an enemy (*Pratt's*

" *Story*, p. 60) ; and the property of the house of trade
 " established in an enemy country is considered liable to
 " capture and condemnation as prize. (*Wheaton*, Inter.
 " Law, 334). The rule is succinctly stated by Mr. Justice
 " *Story* in the ' *Freundschaft* ' (4. *Wheaton*, at page 107).
 " ' It has been long since decided in the Courts of Admiralty
 " that the property of a house of trade established in the
 " enemy's country is condemnable as prize, whatever may
 " be the domicile of the partners. . The trade of such a
 " house is deemed essentially a hostile trade, and the pro-
 " perty engaged in it is, therefore, treated as enemy's
 " property, notwithstanding the neutral domicile of any
 " of the company.' But it seems also to be settled that
 " in such cases confiscation will not take place at
 " the commencement of war, if the trade has been
 " carried on during peace, unless the person affected con-
 " tinues his connection with the trade after the war.
 " (*Pratt's Story*, p. 61 ; *Calvo*, sec. 1936 ; the ' *Vigilantia*,'
 " 1 C. Rob., at p. 15 ; the ' *San Jose Indiano*,' 2 Call.
 " at p. 288). It is not easy to see why in the case of a
 " partner in a hostile house of trade time should be given
 " to sever connection after war before confiscation by
 " capture at sea is permitted, when no such opportunity is
 " given to a person having a commercial domicile by resi-
 " dence in hostile territory. But I accept the law as it
 " stands. And indeed it may be, that the dissenting judg-
 " ment of Chief Justice Marshall in the ' *Venus* ' (*ubi sup*)
 " is based on the more equitable ground, as many writers
 " on the law of nations have contended.

" In discussing the commercial domicile of a merchant,
 " *Calvo* says---I will give a rough translation of it :---' It
 " may be said, if we are dealing with a merchant,
 " that he has his commercial domicile at the principal

“seat of his business, at the point at which his operations are concentrated.” (*‘On peut dire, s’il s’agit d’un négociant, qu’il a son domicile commercial au siège principal de ses affaires, sur le point où se concentrent ses opérations.’*)

“The whole centre of activity and operations of this business was at Frankfurt, at the Offices of the Metallgesellschaft. They ordered, they bought, they chartered vessels, they gave all instructions, they received the consignments, they paid for the goods, they sold or disposed of them, they received the purchase prices, they attended to all the correspondence, and kept all the accounts at their head house at Frankfurt.

“How could it be held that the house of trade of this business was not at Frankfurt? If there was no house of trade of the business in Germany, or elsewhere, as contended, then, (whatever might be the difficulties in the way of British subjects continuing in the business) neutrals of all countries might engage in the business with impunity and without fear of confiscation of their shares, and to the great advantage of the German Company, and of the German State, as well as of themselves.

“I feel no doubt in deciding that this business had its house of trade in Frankfurt.

“The question upon which the right to seize and confiscate the shares of the quasi-partners, then, turns upon whether they continued their connection with the house of trade after the commencement of the war.

“I have not found any direct decisions which help. It is obviously a question of fact in any particular case whether there has been a continuation of the connection with a hostile house of trade during war; or whether sufficient steps have been taken, and in proper time, to sever the connection. Some guidance is afforded by the prin-

“ ciples and tests applied in cases relating to subjects of a
 “ cognate kind, *e.g.*, continuing to trade with the enemy after
 “ war, or continuing a commercial domicile by residence
 “ after hostilities have begun. An instance of the former
 “ occurs in the ‘*Hoop*’ (1 Ch. Rob. at p. 216), where Lord
 “ Stowell said that the rigid rule against such trading had
 “ been enforced ‘where cargoes have been laden before
 “ the War, but where the parties have not used all possible
 “ diligence to countermand the voyage after the first notice
 “ of hostilities.’ An illustration of the latter kind will
 “ be found in Chief Justice Marshall’s celebrated dissenting
 “ judgment in the ‘*Venus*’ (8 Cranch, 253), where he dis-
 “ cusses how a resident commercial domicile might be
 “ terminated ; *e.g.*,

“ ‘ If a British Subject residing abroad for commercial
 “ purposes takes decided measures, on the breaking out
 “ of war, for returning to his native country.’

And in another passage (at p. 315) :

“ ‘ An immediate discontinuance of trade, and arrange-
 “ ments for removing, followed by actual removal with-
 “ in a reasonable time, unless detained by causes which
 “ might sufficiently account for not removing, would fix
 “ the intention to change the domicile.’

“ In discussing the question of confiscation of goods
 “ belonging to the non-enemy parties in a house of trade
 “ (*maison de commerce*) in enemy territory, Calvo wrote
 “ as follows :—I give the rough translation. ‘ According
 “ to these principles, if a merchant domiciled in a neutral
 “ country does not take at the commencement of the war
 “ immediate measures for withdrawing his goods from a
 “ commerce which has no longer a neutral character and to
 “ which he could legitimately attend in time of peace in the
 “ country of a belligerent, he cannot guarantee his goods
 “ from capture and from hostile confiscation by alleging that

“ he personally resides in a neutral country.’ (Top of page 1936.) ‘*D’après ces principes, si un négociant domicilié dans un pays neutre ne retire ses biens d’un commerce qui n’a plus le caractère neutre et auquel il pouvait légitimement se livrer en temps de paix dans le pays d’un belligérant, il ne pourra garantir ses biens de capture et de confiscation hostiles, en alléguant que personnellement il réside dans un pays neutre.*’

“ If it be obligatory upon a neutral to take such immediate steps (*‘sans retard’* is another phrase used by Calvo) it is none the less obligatory upon the subject of a belligerent.

“ I think also that it is incumbent on the person who has to sever his connection in this way to show clearly by satisfactory proof that he took steps to do so ; just as it rests upon a resident in hostile territory to prove that he was not there *animo manendi* (cf. the ‘*Bernon*,’ 1 Ch. Rob. 101).

“ It is a case like those where the burden of proof has been laid upon claimants on the ground that they have in their own power the knowledge of all the relative facts and so can prove their case fully, if it be honest and well-founded. It is their duty to take the necessary measures to end the connection with the hostile house ; and it is for them to establish affirmatively the measure alleged to have been taken.”

It was decided in an old case on a motion for a non-suit by as great an authority as Lord Ellenborough that a natural-born British subject domiciled in a foreign country in amity with Great Britain may lawfully exercise the privileges of a subject of the country where he is domiciled to trade with a country hostile to Great Britain (*Bell v. Reid*, 1813, 1 M. and S. 726).

British Subject
domiciled in a
neutral country
can trade with
the enemy.

The status of married women and the domicile to be attributed to them, may be next considered. The general position is thus stated:—

Matrimonial Domicile. “When a marriage, there being no personal incapacity attaching upon either party, or upon the particular party who is to be regarded, has been duly solemnised according to the law of the place of solemnization, the parties become husband and wife. But when they become husband and wife, what is the character which the wife assumes? She becomes the wife of the foreign husband in the case where the husband is a foreigner in the country in which the marriage is contracted. She no longer retains any other domicil than his, which she acquires. The marriage is contracted with a view to that matrimonial domicile which results from her placing herself by contract in the relation of wife to the husband whom she marries, knowing him to be a foreigner domiciled and contemplating settled and permanent residence abroad. Therefore it must be within the meaning of such a contract, if we are to inquire into it, that she is to become subject to her husband’s law, subject to it in respect to the matrimonial relation and all other consequences depending upon the law of the husband’s domicile (*Harvey v. Fernie*, 1882, 8 App. cas., 43). So a married woman takes the domicil of her husband and as he changes his, hers will automatically change with it. Even if the wife reside apart from her husband her domicile is his *Dolphin v. Robins*, 1859, 7 H. L. C. 390; *Yelverton v. Yelverton*, 1859, 29, L. J. P., 34). If the husband dies his domicile continues to attach to the wife until she acquires another one (*Government v. Zimmerman*, 1847, 5, N. C. 440). So if a woman be divorced she retains her husband’s domicile until she acquires another one of her own

“(Williams v. Dormer, 1857, 2 Rob. Eccl. 505; Scott v. Att. Gen., 1886, 11 P. O., 128).”

A married woman cannot acquire a domicile other than that of her husband if she has not obtained a decree of judicial separation or its equivalent (*In re Mackenzie; Mackenzie v. Edwards-Moss*, 1911, 1 ch. 578), except possibly in rare cases (*Dolphin v. Robins* (*supra*), and it would appear for the purposes of jurisdiction in divorce the courts would depart from the ordinary rule of domicile in special cases (*DeMontaignu v. DeMontaignu*, 1913, P. 154). Women subjects of the United States however appear to form an exception to the general rule and apparently by the law of the United States a native woman marrying a foreigner perhaps remains a subject of her State, though an alien woman marrying an American citizen becomes herself naturalised (*Hall's International Law*, 4th Ed. p., 238).

From the foregoing cases it can thus be ascertained whether a married woman is invested with enemy character or not by reason of her marriage to an alien enemy.

It is easy to ascertain where an individual resides, but when the inquiry relates to a Company, Domicile in the case of Corporations. which in a natural sense does not reside anywhere, some artificial test must be applied. In applying the conception of residence to a company Lord Loreburn considers that one ought to proceed as nearly as one can upon the analogy of an individual. A company cannot eat or sleep but it can keep house and do business. One ought therefore to see where it really keeps house, and does business. An individual may be of foreign nationality and yet reside in the United Kingdom. So may a company. The real business is carried on where the central management and control actually abides.

[*De Beers Consolidated Mines, Ltd., v. Howe*, 1906, A. C. (H.L.) 455.]

So decisions thirty years old have established that a company resides for purposes of income tax where its real business is carried on [*Calcutta Jute Mills v. Nicholson*, and *Cesena Sulphur Co. v. Nicholson*, 1876, 1 Ex D., 428].

In one case of a company incorporated under the laws of the South African Republic for the purpose of working gold mines there, and the majority of whose shareholders were subjects of the United Kingdom, with an office and committee of management in England, it was assumed by Lord Davy that the Company was to all intents and purposes in the position of a natural born subject of the late South African Republic, and that it could not be entitled to any exceptional favour, or to any particular indulgence by reason of the fact that the bulk of its shareholders were of European nationality. "If all its members," said the learned Judge, "had been subjects of the British Crown, the Corporation itself would have been none the less a foreign corporation and none the less in regard to this country an alien" (*Janson v. Driefontein Mines*, 1902, A. C. 505), and Lord Lindley in the same case held, on the grounds that the Company was incorporated and registered in the Transvaal, that it was subject to the laws of the Transvaal, and had and worked its gold mines there, that when war broke out the Company became an alien enemy. The American Courts have taken the same view (*Society for the Propagation of the Gospel v. Wheeler*, 1814, 2 Gallison, 105). And so in another case, where it was shown that a Company was trading and obtaining money from the enemy's Government while war was in progress, the jury found that they were all agreed that the Company was adhering to the King's enemies

The Netherlands South African Ry. Co., Ltd. v. Fisher 1901, 18 T. L. R., 116). It is clear therefore that a Company can have a commercial domicile, and can become clothed with enemy character, but apparently like an individual surprised by a declaration of war in the country where he has a commercial domicile, it ought to have time allowed it to free itself from its commercial engagements (*Nigel Gold Mining Co. v. Hoade*, 1901, 2. K. B. 849). In this case the learned judge seems also to have taken the view that an additional incorporation that was supplemental and ancillary only did not alter the status of the Company.

Having considered the effect of the cases as to who are enemies, it remains to discuss how the term "enemy" is regarded by the Proclamations issued as to the present war.

"Enemy" as defined in the proclamations, etc., relating to the present war.

From the first Trading with the Enemy Proclamation of the 5th August 1914 (subsequently revoked by Proclamation of the 9th September (see Appendix IV) it will be seen that the common law as to residential or commercial domicile is adopted as stamping enemy character on a person. The second recital of the Proclamation proclaims that it is contrary to law to trade or have any commercial intercourse with any person *resident, or carrying on business, or being in the German Empire* without the Sovereign's permission. The term "person" used in this connection includes persons corporate or unincorporate. As the official announcement in explanation of the Proclamation (vide Appendix IV) pointed out, the important thing is to consider where the foreign trader resides and carries on business and not the nationality of the foreign trader. What is prohibited by the Proclamation is trade with any firms established in hostile territory.

The revoking Proclamation of the 9th September 1914 extends the expression "enemy country" to the territories of the German Empire and of the Dual Monarchy of Austria-Hungary. The expression "enemy" as used in the Proclamation means any person or body of persons of *whatever nationality resident or carrying on business in the enemy country*, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies enemy character is made to attach only to those *incorporated in an enemy country*. The Proclamation of the 14th September, 1915, however, makes the expression "enemy" to include, and to have included any incorporated Company, etc., *wherever incorporated*, carrying on business in an enemy country or in territory for the time being in hostile occupation (vide Appendix III).

It will thus be seen that the Proclamation preserves the test laid down by the earlier cases that the place of residence or trade, and in the case of companies, the place of incorporation or trade is the deciding factor as to enemy status, and not mere nationality. It may not be out of place to refer here to a recent decision in the Bombay High Court where Macleod J. remarked as follows:—

"This is not the case of a contract between a British subject and an alien enemy having a commercial domicile outside enemy territory. But even if it were, I am not prepared to adhere to the hitherto accepted doctrine that domicile and not nationality is the sole test. That doctrine was established when wars were waged under very different conditions, and it is certainly desirable that it should be reconsidered" (*The Textile Manufacturing Co. v. Salomon Bros.*, 18 Bom. L. R. 105). But this view would scarcely seem reconcilable with the language of the recent proclamations.

Turning next to the meaning of Hostile Foreigner—the word “Foreigner” denotes a person not being either a natural-born subject of His Majesty within the meaning of the Statute 3 and 4 William IV, C. 85, s. 81, or a native of British India (Foreigners Act III of 1864), and this meaning of the word is preserved in the recent war legislation (see Ordinance III of 1914). The term “Hostile Foreigner” is used in connection with the important order termed the Hostile Foreigners (Trading) Order, and which is considered hereafter (vide Chapter V.), and it means any subject of the German Empire, of the Dual Monarchy of Austria-Hungary, or of the Ottoman Empire (other than an Egyptian subject), as well as subjects of the King of the Bulgarians (vide the Hostile Foreigners Bulgarian Trading Order, Appendix V.).

The definition of “Hostile Foreigner” in the Trading Order makes the character constituting a hostile foreigner to depend simply upon nationality by birth or by naturalization. The term is peculiar to the legislation of India. No corresponding term is to be found in the English emergency legislation. It is difficult to treat the term as the equivalent of “alien enemy” for as already shown an alien enemy apart from nationality can be so considered from his residence or trade in an enemy country. The presence of a “Hostile Foreigner” as a member or officer in any company, firm or association or body of individuals having an office, agency, or place of business in British India, whether incorporated or not, converts such company, firm, association, or body of individuals into a “Hostile Firm” (vide Sec. 2 (b)). For the purpose of ascertaining whether such a concern is a hostile firm the Local Government is empowered to investigate into the affairs, business or trade of the concern—though it is difficult to understand the relevancy of such an inquiry if

the character of a Hostile Foreigner is to depend solely on a hostile nationality apart from residence or trade.

The definitions of "Hostile Foreigner" and "Hostile Firm" appear to be unduly wide, for there might well be an undoubted British Company incorporated in the United Kingdom or in India free of all enemy character, yet because of the fact that an officer or member of the Company happened to be a German, Austrian or Turkish subject on the 3rd day of August 1914, or a Bulgarian subject on the 14th October 1915, the Company would *ipso facto*, under the definition, be a hostile firm and so prohibited from trading without a licence. It can hardly be that such a result was intended. Besides, Turkey did not join the war until 1st November 1914. And yet on the 28th November 1914 a notification was published licencing generally such companies as conformed to the requisite conditions which included this condition that no director, manager or other officer of a Company registered in the United Kingdom or in a British possession should be on the 3rd August 1914 the subject of any State at war with His Majesty. (Vide Appendix V).

The definition appears to have been framed without regard to the law of partnership where a member or some members of a partnership are aliens and become alien enemies on the outbreak of war. It would appear that a partnership between British subjects and aliens on the outbreak of war with the country of such aliens is automatically dissolved (see *Rex. v. Kupper*, 1915, 31 T. L. R. 223 at p. 225 where the Court of Criminal appeal assumed such a proposition; *Mathews v. M'Stea*, 91 United St. Rep. 7, given in the appendix to *Trotter's Law of Contract During War*; *Griewold v. Waddington*, 16 Johns, 468, another American decision; see also *Hall's International Law* 6th Ed. p. 384; also ex parte *Boussmaker* 1806, 13

Ves. 71). If this be the true state of the law, then it would follow that on the outbreak of war the partnership being dissolved it could not be said that in law a "*firm*" or a "*body of individuals*" as such, any longer existed. Therefore it is difficult to understand what is meant by the sentence in sec. 2 (b)—"*of which any member or officer is a hostile foreigner,*" though of course this objection does not apply to the sentence that follows, viz:—"or of which a hostile Foreigner *was* a member or officer on the 3rd day of August 1914."

It certainly seems a little hard that a firm, for example, which had on the 3rd day of August a Turkish subject as one of the partners should be made liable as a Hostile Firm on as late a date as the 14th November 1914, the date of the passing of the order, merely because before the outbreak of war with Turkey there was a Turkish partner in the firm who was then no enemy. The retrospective effect of the introduction of the 3rd day of August as the determining date would appear to operate very heavily against such a firm which the day after becomes dissolved by operation of law.

The Hostile Foreigners Trading Order would appear therefore to have been passed without considering the state of the law as regards partnership on the outbreak of war between the countries of the partners. The definitions as they stand of "*Hostile Firm,*" and "*Hostile Foreigners*" might well be attacked in argument, and it might be urged that the effect of war being to dissolve the firm or body of individuals, then, by the 14th day of November 1914, there was no such "*firm*" or "*body of individuals*" in existence at law against which the Trading Order could operate at all.

It should however be noted that in a recent case in England (*Armitage v. Borgmann*, 1915 W. N. 21), where

a partnership consisted of Englishmen and Germans, the latter of whom were in Germany serving as officers in the German Empire, and the former of whom had been licensed to trade as partners on the terms that no payments should be made to or for alien enemies, it was argued, on an *ex parte* application for the appointment of a receiver and manager of the business carried on by all the partners, that the partnership was *ipso facto* dissolved by the declaration of war, but Sarjant, J. acting on the view that he ought to appoint the receiver and manager not to wind up the partnership but to continue the business, granted the application.

What was the precise form of the action is not shown in the report, and the decision rather avoids deciding the legal effect of war on the contract of partnership.

CHAPTER III.

I. WITHOUT LICENSE.

Although it is said "there's such divinity doth hedge
a king, that treason can but peep to what
it would" yet the quaint, and older words
of the Statute of 25 Edw. III c. 2 took the
precaution of providing that "if a man do levy war against
our Lord the King in his realm or be adherent to the
King's enemies in his realm giving them aid and comfort
in the realm or elsewhere" he is guilty of treason. The
very head and front of the offending is described by the
words "giving aid and comfort" to them in this old
"chronicle of wasted time." In a recent indictment for trea-
son in England on which a German Consul at Sunderland
was convicted for assisting German subjects with money and
information in order to enable them to return to Germany
from England, the Court of Criminal Appeal quashed
the conviction on the ground that the intentions of the
accused as to assisting the King's enemies had not been
brought to the notice of the jury. (*Rex v. Ahlers*, 1915,
1 K. B. D. 616). Trading affords aid and comfort in the
most effectual manner by enabling the merchants of the
enemy's country to support their government and besides
opens a door to the danger of traitorous correspondence.
To use the words of Lord Stowell "who can be insensible
to the consequences that might follow if every person
in time of war had a right to carry on a commercial
intercourse with the enemy, and under colour of that,
had the means of carrying on *any other species of*

“intercourse he might think fit?” (*The Hoop*, 1799, 1 Ch. Rob. 196 at p. 200). As argued in a later case, war puts every individual of the respective governments, as well as the governments themselves, into a state of hostility with each other. There is no such thing as a war for arms and a peace for commerce. There is no distinction between trading with an enemy and with an enemy’s country, for all persons inhabiting an enemy’s country are presumed to be enemies. (*Potts v. Bell*, 8 D. and E. 548).

This view that trading with the enemy without a license is treasonable is preserved at the present day, for in the first Royal Proclamation issued in regard to trading with the enemy (vide Appendix IV) it is provided as follows :—

“and We hereby declare that any transactions to, with, or for the benefit of any person resident, carrying on business or being in the said Empire (the German Empire) which are not *treasonable* and are not for the time being expressly prohibited by Us either by virtue of this Proclamation or otherwise and which but for the existence of the state of war aforesaid, would be lawful are hereby permitted.”

Adherence to the King’s enemies is also at the present day considered treason, and the preservation of that view can be found in the Royal Proclamation of the 5th of August, 1914, republished in India on the 7th of August as to contributing to, participating in, or assisting in the floating of any loan by the Government of the said Emperor (the German) or as to advancing money to or entering into any contract or dealings whatsoever with the said Emperor or his Government, etc. On this score the recital in the *Treasonable Insurance Regulations*, 1914, made under the China Order in Council runs : “Whereas any subject of His Majesty adherent to the King’s enemies

“or giving to them aid or comfort in the realm or elsewhere where commits treason.”

The maritime jurisprudence of England in common with that of most civilised countries has from the earliest times prohibited all trading with a public enemy unless with the permission of the Sovereign.

Trading with
the enemy is
against the
Maritime Law
of England—

The great case of the *Hoop* (above cited) has laid down that British merchants are not at liberty to trade with the enemy without the King's license. As Lord Stowell expressed it :—“In my opinion no principle ought to be held more sacred than that this intercourse cannot subsist on any other footing than that of the direct permission of the State.” (*The Hoop*).

The same great jurist remarked in the case cited that this rule of prohibition in the maritime jurisprudence of England it is difficult to conceive would be otherwise than the common law of England, for the rule in no degree arises from the transaction being upon the water but from principles of public policy and of public law, which are just as weighty on the one element as on the other.

and is against
the Common
Law of
England.

It will thus be seen that British subjects are bound by the duties of their allegiance to the Crown to abstain from giving aid and comfort to the King's enemies and adhering to them by trading with them.

Lord Stowell in the judgment in the *Hoop* Case proceeds to show that as the relation existing between two belligerent countries is inconsistent by its very nature with the continuance of commerce between them, it is equally inconsistent with the existence of any right to sustain any contract by an appeal to the tribunals of the one country on the part of the subjects of the other. “In the law,” he remarks, “of almost every country, the character

“ of alien enemy carried with it a disability to sue, to sustain in the language of the Civilians, *a persona standi in judicio*. The peculiar law of our own country applies this principle with great rigour. The same principle is received in our Courts of the law of nations. They are so far British Courts that no man can sue therein who is a subject of the enemy unless under particular circumstances that *pro hac vice* discharge him from the character of an enemy such as his coming under a flag of truce, a cartel, a pass, or some other Act of public authority that puts him in the King’s peace. *pro hac vice*. But otherwise he is totally *ex lege*.”

The principle underlying the prohibition is not as remarked in a recent Prize Case before the Colonial Court of Admiralty at Colombo (s.s. *Reichenfels*) “ one of mere ephemeral importance evolved during the Napoleonic wars, and now invested only with historical interest. It rests upon broad and permanent grounds of public policy, and since the time of Lord Stowell it has been reasserted and enforced whenever an occasion for its application arose. It holds as prominent and as firm a place in the prize cases decided during the Crimean War and during the War between England and the old South African Republics as it did at the end of the 18th and in the early part of the 19th centuries. (See *The Panaja Drapanistisa* 1857, Ros. English P. C. p. 560, and *Jansen v. Driefontein Consolidated Gold Mines*, 1902, App. Cas. p. 484).”

No clearer recognition of the law can be found than that furnished by the continuous practice of obtaining licenses from the Crown enabling direct intercourse with an enemy’s country which clearly shows that without license such trade is illegal. The exception proves the rule. The present proclamations as to trading with the

enemy are declaratory of the common law and such intercourse is not made illegal solely by reason thereof. The act of the Sovereign in declaring war by the operation of the common law is in itself a prohibition to trade with the enemy. (*Sanday & Co. v. British & Foreign Insurance Company*, (1915 W. N. 185, C. A. and 31 T. L. R. 374).

Sir Samuel Evans in a recent Prize Case [*The "Panariellos"* (Part cargo ex.) 31 T. L. R. 326; 112, L. T. 777] discussed what is meant by "trading." "First, when war breaks out between States," he says, "all commercial intercourse between citizens of the belligerents *ipso facto* becomes illegal, except in so far as it may be expressly allowed or licensed by the Head of the State. Where the intercourse is of a commercial nature, it is usually denominated trading with the enemy. This proposition is true also, I think, in all essentials with regard to intercourse which cannot fitly be described as commercial." The learned President then proceeds to deal with the more general and fundamental conception of the illegality of intercourse with the enemy apart from the element of commerce and falling short of the act of trading by citing these words of Lord Stowell:—"It is perfectly well known that by war *all* communications between the subjects of the belligerent countries must be suspended and *no intercourse* can legally be carried on between the subjects of the Hostile States but by the special license of their respective Governments" (*The Cosmopolite*, 4 Ch. Rob. 8), and then continues with these words "No doubt it was with cases of commercial intercourse that Lord Stowell was dealing with in the 'Hoop' and the 'Cosmopolite,' but it will be remembered that in the former he enforced the reason for the

What is meant
by "trading."

Trading is not
confined to
commercial
intercourse
only.

“rule by reference to the possible consequences of allowing persons to carry on a commercial intercourse and under colour of that to give them the means of carrying on any other intercourse they might think fit.”

The judgment in the “*Panariellos*” then proceeds to cite the following passages on the point from an American decision. (*The Rapid*, 8 Cranch, 155) :—

“If by ‘trading’ in prize law was meant that signification of the term which consists in negotiation or contract, this case would certainly not come under the penalties of the rule. But the object, policy and spirit of the rule is to cut off all communication or actual locomotive intercourse between individuals of the belligerent States. Negotiation or contract has, therefore, no necessary connection with the offence. ‘Intercourse’ inconsistent with actual ‘hostility’ is the offence against which the operation of the rule is directed and by substituting the definition for that of ‘trading with an enemy’ an answer is given to this argument.” Sir S. Evans then goes on to cite Mr. Justice Story in another American Case (*The Julia*, 8 Cranch, 187) as follows :—“The ground upon which a trading with the enemy is prohibited is not the criminal intentions of the parties engaged in it, or the direct and immediate injury to the State. The principle is extracted from a more enlarged policy which looks to the general interest of the nations which may be sacrificed or sold by the cupidity of corrupted avarice.”

Sir Samuel Evans concludes his judgment on the point by stating “it would not be difficult to enumerate instances of such intercourse (which could not be properly described as commercial) in cases of absolute gifts of property to enemy subjects of a comforting, useful or beneficial character.” The point as to a gift to an enemy is also

touched upon in *Rex. v. Oppenheimer*, 1915, 31 T. L. R. 369.

The views of Sir Samuel Evans in the case of the *Panariellos* (above cited) were accepted in a later case by Sargant J., who approved of the dictum that it was not merely commercial intercourse but all intercourse with an alien enemy that was forbidden by the common law and held that an alien enemy who is a shareholder in an English Company is not entitled during the war to exercise the right of voting by proxy at a meeting of the shareholders of the Company (*Robson v. Premere Oil and Pipe Line Co., Ltd.*, 1915, 2 Ch. 124 ; 31 T. L. R. 385 and 420). It is of course illegal to have any intercourse with the ports of an enemy. If it were once admitted that a ship may enter an indicted port to supply herself with water or on any other pretence, a door would be opened to all sorts of fraud without the possibility of preventing them (*Bell v. Reid*, 1813, 1 M. and Sel. 726 at p. 730, citing Sir Wm. Scott).

In a recent case in prize before the Supreme Court for Egypt the acceptance of a draft *after* the outbreak of war drawn by a German firm upon a British firm in respect of goods shipped and negotiated through a British Bank was considered to be trading with the enemy (s. s. *Barenfels*, decided on 26th May, 1915). The facts were as follows :—The Chartered Bank of India, Australia, and China claimed release of certain goods on board the s. s. *Barenfels* on the ground that the ownership of these goods had passed to a British firm in Colombo. The sellers, a German firm, consigned on the 9th July, 1914, to the British merchants at Colombo (the buyers) the goods in question, and in respect of them a Bill of Exchange was drawn on the British firm on the 22nd July, 1914, discount-

All intercourse
is forbidden.

Such trading is
illegal though
actual benefit
to the enemy
may be remote.

ed on the same date with the Bank, and accepted on the 11th August, 1914, when the documents were handed over to the British firm. The Crown contended that the acceptance of the draft after the outbreak of war with Germany came under the law of trading with the enemy, and consequently the contract between the German firm and the British firm had not been completed and was void, and the property in the goods had never passed. Counsel for the Bank contended that the acceptance of the draft was no benefit to the enemy firms, it was only a benefit to the British Bank and as that Bank had already paid the German firm before the outbreak of war the acceptance was merely a repayment by a British firm to a British Bank on account of money already paid away before the war by the Bank. The Court remarked "I am satisfied beyond a doubt that the transactions in this case bring it within the law of trading with the enemy. The acceptance of the draft by Messrs. Diethelm and Co. was an essential part of the commercial undertaking between the German firm Kiottenmacher & Co. and the British firm Diethelm and Co. The German firm agreed to ship and sell the goods and the British firm to buy and pay. The real contract is between those two firms and therefore the acceptance is part of a commercial undertaking with the enemy, although the actual benefit to the enemy may be remote. The Chartered Bank of India are merely intermediaries who to assist the German firm, advance money on the security of documents placed in their hands, and consequently are mere pledgees whose claims under the "Odessa" case cannot be taken into consideration. As the contract in this case was one of documents against acceptance, the property in the goods does not pass until the acceptance has taken place, and as I am of opinion that the accep-

“tance which took place after the outbreak of war is an act of trading with the enemy and is consequently illegal and void I hold that for the purposes of this case no acceptance has taken place and the property in the goods still remains in the German firm and has not passed to the British firm.”

The view that the acceptance in the above case was illegal may usefully be compared with a recent case before the Bombay High Court. (*Mercantile Bank of India v. R. K. Motishaw and Co.*, Suit No. 1158 of 1915) where a bill in respect of certain goods, the subject of a C. I. F. contract, shipped to Bombay, was drawn by a German on a Bombay merchant; purchased by the Plaintiffs in London; maturing on the 22nd August, 1914, and accepted in Bombay on the 20th July, 1914, before war. On a suit by the Bank the Court decreed the claim, observing: “What really would occur in transactions of these kinds in normal conditions would be that the Bank to facilitate commercial dealings would advance the price of the goods to the seller on the pledge of the shipping documents in anticipation of the said price being repaid to them by the buyer. The Bank would have no desire to traffic in commodities of this kind and would take the shipping documents merely as a pledge to be handed over as soon as the buyer paid the price, which the bank in the first instance had advanced to the seller. That being the course of transactions, it was clear that immediately a bill was thus drawn upon the purchaser by the vendor in favour of the discounting Bank the intention of all the parties was that the moment the bill was accepted the contractual relations, with reference to the goods, at any rate, should be directly re-established and the Bank should disappear from the dealing.”

The question of the effect of negotiating the documents in the C. I. F. contract, containing a German Bill of Lading and a German Policy of Insurance was not apparently raised.

The case is of interest as being an acceptance *before* war, and thus apparently the acceptance would afford a good contract between British subjects free from any trading with the enemy, as the Banks in such cases do not guarantee the documents.

The decision was, apart from a question of interest, upheld in appeal but on different grounds. The Court of Appeal treated the acceptance as unqualified, and if qualified, then, by force of the Proclamation of the 12th December 1914 in India allowing payment to agents of shipowners resident in an enemy country by British subjects for the purpose of obtaining possession of their cargoes in neutral ports, held that the defendants would have made the payment of the draft without infringing the Proclamation against trading with the enemy of the 5th of August 1914. (*R. K. Moti haw & Co. v. Mercantile Bank of India*, Appeal No. 63 of 1915. High Court, Bombay).

Where a representative of the Crown while resident in an enemy country carried on a trade with the enemy, such trading if not duly licensed is equally illegal under the common law even if benefits result therefrom to Great Britain. (Ex parte *Bagle-hole*, 1812, 18 Ves. 528). In a recent criminal prosecution in England for trading with the enemy it was argued in the Court of Criminal Appeal that it was not enough to say that goods had been obtained from the enemy, it must be shown also that they had been obtained by way of trade and that in bringing goods to England without payment therefor benefit would re-

Such trading
is illegal even
if benefit ac-
crues to Great
Britain.

sult to England, and hurt to the enemy, but the argument was disallowed (*Rex v. Oppenheimer*, 1915, 2 K. B. 755 ; 31 T. L. R. 369).

An exception to the rule has been allowed where the trade was for the benefit of the British fleet (*The "Madonna Delle Gracia,"* 4 Ch. Rob. 195).

It is illegal for a subject in time of war, without the King's license, to bring even in a neutral ship goods from an enemy's port, which were purchased by his agent resident in the enemy's country after the commencement of hostilities, although it may not appear that they were purchased of an enemy (*Potts v. Bell*, 1800, 8 Term. Rep. 548).

Trading in goods bought from an enemy country is forbidden.

Trading with the enemy is none the less such trading in the view of the Prize Courts by shipping goods to a neutral port where the intention is proved that they were to be conveyed by some internal means of communication to an enemy destination. (*Jonge Pieter*, 1 English Prize Cases, 335). Sir William Scott (afterwards Lord Stowell) remarked: "In all cases that have occurred on this question—and they are many—it has been held indubitably clear that a subject cannot trade with the enemy without the special license of Government. The interposition of a prior port makes no difference ; all trade with the enemy is illegal ; and the circumstances that the goods are to go first to a neutral port will not make it lawful. The trade is still liable to the same abuse, and to the same political danger whatever that may be. I have no hesitation in saying that during a War with Holland it is not competent to a British merchant to send goods to Embden with a view of sending them forward on his own account to a Dutch port, consigned by

Trading to a neutral port is illegal if the goods are meant for an ultimate enemy destination.

“him to persons there, as in the course of ordinary commerce.” The Proclamation as to trading with the enemy also warns British subjects against supplying or obtaining from any person any goods, wares or merchandise for or *by way of transmission to or from* the enemy and also warns them not to trade in or carry any goods, wares or merchandise *destined* for, or *coming* from the enemy country.

The subject is fully treated of hereafter in connection with contraband goods and the doctrine of continuous voyage (see Chapter IV).

So far-reaching is the prohibition against trading with the enemy that the power to capture and confiscate the property of citizens of an ally exists where they are shown to have had commercial intercourse with, or to have been trading with the enemy. Sir Samuel Evans in the case of the “Panariellos” laid down this proposition: “On the outbreak of war in which a belligerent has allies, the citizens of all the allied States are under the same obligations to each allied State as its own subjects would be to a single belligerent State with regard to intercourse with the enemy.”

The President supported this proposition by these words:—“So intimate and imperative are the *mutual* duties of allies bound to each other by sacred and solemn bonds to fight a common foe that I believe the true rule to be that whatever intercourse with an enemy is prohibited by international law, no relaxation whatever can be allowed by one State in favour of its citizens which can affect the confederate State, unless expressly sanctioned by the latter.”

The Prohibition applies to the citizens of an allied State.

CHAPTER IV.

RECENT LEGISLATION AS TO TRADING WITH THE ENEMY IN REGARD TO CONTRABAND OF WAR.

The present Chapter is intended to cover only the carriage of contraband between foreign ports by a British ship (vide Proclamation of the 5th August 1914—Appendix III) and the subject of a British vessel trading with the enemy. It is beyond the scope of this work to enter upon the larger subject of contraband as affecting neutrals under international law. The record of Statutes, Ordinances, Proclamations and Orders of Council and Notifications, published in England and in India on the general subject of Trading with the Enemy is as long as it is diverse. Subjects such as Contraband, Financial assistance to the Enemy, and Trading with the Enemy are alike made the texts of self-same Proclamations—those “decrees of Kings.”

It is proposed to divide up the recent legislation into two broad classes for the sake of greater clarity and more ready treatment, namely (*a*) Contraband of war, and (*b*) Trading with the Enemy in general and apart from trading in contraband.

The first of this order is chosen for discussion in this Chapter not on the score of it being of greater importance than its fellow, but because as a matter of fact, while England was as yet only upon “the perilous edge of battle,” namely on the 3rd August 1914, this subject was the first selected for pronouncement by means of a Royal

Proclamation. The other branch of the subject is discussed in the ensuing Chapter.

Before reviewing the principal prohibitions and warnings on this subject, in their order of date, it may be advantageous to state shortly what is meant by the terms "contraband," "absolute contraband," and "conditional contraband."

Contraband goods are shortly such as are prohibited to be exported or imported either by the laws of a particular Kingdom or State, or by the laws of nations, or by special treaties (*Webster*).

"Absolute contraband" comprises things which are of use only in war, such as arms;

"Conditional contraband" comprises things which are useful both in war and peace, such as money, provisions, ships and their appurtenances (*De Jure Belli et Pacis*, lib. 3 C 1., s. 5.).

The British Admiralty Manual of Prize Law, 1888, enumerates long lists of Absolute and Conditional contraband. Lists of both kinds are also given in the Declaration of London of the 26th February 1909, which are referred to by recent proclamations, can be found elsewhere.

In the Gazette of India of the 6th August 1914, republishing the Royal Proclamation of the 4th August 1914 (by mistake put as of the 5th August) with additions, it is stated: "The term 'Contraband of War' only includes articles having belligerent destination and purpose. Such articles are classed under two heads—absolute contraband and conditional contraband. These words and the other matter added do not appear in the Royal Proclamation" (vide Appendix III post).

As a last prefatory remark to the numerous prohibitions as to export and import of goods as hereafter set out, the words of Hardwicke C. J. in an old case in the reign of George II may be recalled—

“The first difference attempted to be made between this case and the others is, that this trade of exporting gold is found to be a trade prohibited by the laws of the Kingdom of Portugal. . . . the carrying on indeed of a trade prohibited by the laws of England is of material consequence, and it is said that the parties in that case shall receive no relief, as they are both *participes criminis*, and therefore the law will not give one any remedy against the other. . . But if it should be laid down, that because goods are prohibited to be exported by the laws of any foreign country from whence they are brought, therefore the parties should have no remedy or action here, it would cut off all benefit of such trade from this Kingdom, which would be of very bad consequence to the principal and most beneficial branches of our trade, nor does it ever seem to have been admitted.” (*Boucher v. Lawson*, Hardwicke’s Cases, 85).

The Principal Proclamations, Orders in Council and Notifications are as under. For a full list of them Appendix III may be consulted.

This Proclamation passed the day before the day of the declaration of war is in consonance with the maxim “*prospicere in pace oportet quod bellum juvet*” (in peace it is wise to look out for what will be helpful in war), and it prohibited export from the United Kingdom of certain *warlike stores*.

(1) Royal Proclamation of 3rd August 1914.

The list of prohibitions therein contained was frequently varied by Proclamations and Orders in Council. (Vide Proclamations of 5th, 10th, 20th August, 10th November, 23rd December, 1914, 3rd February, 2nd, 11th and

18th March 1915 ; and Orders of Council of 28th August, 1st, 8th, 11th, and 25th September, 6th and 19th October, 3rd and 20th November, 5th and 11th and 23rd December 1914, 4th and 8th Jan., and 15th April 1915).

The Proclamation was published in India on the 5th August 1914, but as it left out one prohibited article, viz., Zinc, and also the heading of the Proclamation as to the Section and Act under which it was published, (a mistake probably due to telegraphic transmission), it was republished correctly on the 12th September 1914. Both these publications of this Proclamation are printed hereafter in their order of date. (Vide Appendix III).

This Proclamation was, it is to be noted, extended to Austria-Hungary by Royal Proclamation of the 12th August 1914 as also to Turkey by Royal Proclamation of the 5th November 1914 and also to Bulgaria by Proclamation of the 16th October 1915.

It is to be noticed that all Proclamations for the time being in force relating to Trading with the Enemy were extended to Liberia or Portuguese East Africa by Proclamation of the 10th November 1915.

This Proclamation specified in two schedules the articles enumerated therein as articles to be treated as *contraband of war*. (Vide Appendix III.)

It was republished in India firstly on the 6th August 1914, but incorrectly, inasmuch as it put a wrong date to the Proclamation—viz. the 5th of August, when it should have been the 4th of August.

Further mistakes were made in the republication on the 6th August by insertion of a definition of contraband of war, which is not to be found in the English publication of the Proclamation. In addition, the opening and closing parts of the two schedules as published in India do not

appear in the home publication. These mistakes are indicated in brackets in the reproduction of the republication hereafter (Appendix III).

These mistakes were subsequently noticed, and rectified by a correct republication of the text of the original, which is shown hereafter (vide Appendix III, post).

By further Proclamation of the 21st September 1914 additions were made to the list of conditional contraband.

It should be noticed that the Proclamation of the 4th August 1914 was not under the Declaration of London. (Vide Fore-note to Appendix VI, post.)

By this separate Proclamation, published in India on the 6th August 1914, allowing enemy merchant ships days of grace under certain conditions to depart from British Ports, it was provided that such ships should not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels should be discharged. (Vide Appendix III).

(3) Order of
Council of 4th
August 1914.

“Enemy” in this Order of Council was by Proclamation of 12th August 1914 (vide No. 10, post) made to include Austria-Hungary.

This Order *in* Council was not extended to Turkey (vide Proclamation of the 5th November 1914).

It should be noticed that an Order *of* Council differs from an Order *in* Council inasmuch as it is an order of the Lords of the Privy Council meeting *without* the Sovereign. An Order *in* Council is an order made by the Sovereign “by and with the advice of His Majesty’s Privy Council.”

Before the Hague Convention a belligerent could seize and confiscate all enemy merchant ships within its territorial waters at the outbreak of hostilities.

The Hague Convention 1907 now recognises these rules—

Article 1. When a merchant ship belonging to one of the belligerent Powers is, at the commencement of hostilities, in any enemy port, it is *desirable* that it should be allowed to depart freely, either immediately or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated to it.

The same principle applies in the case of a ship which has left its last port of departure before the commencement of the war, and has entered a port belonging to the enemy while still ignorant that hostilities had broken out.

Article 2. A merchant ship which owing to circumstances beyond its control, may have been unable to leave the enemy port within the period contemplated in the preceding article, or which was not allowed to leave, may not be confiscated. The belligerent may merely detain it, on condition of restoring it after the war, without payment of compensation, or he may requisition it on condition of paying compensation.

Article 3. Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities, may not be confiscated. They are merely liable to be detained on condition that they are restored after the war without payment of compensation; or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision must be made for the safety of the persons on board as well as the preservation of the ship's papers. After touching at a port in their own country or at a neutral port, such ships are subject to the laws and customs of naval war.

Article 4. Enemy cargo on board the vessels referred to in Articles 1 and 2 is likewise liable to be detained and

restored after the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship. The same principle applies in the case of cargo on board the vessels referred to in Article 3.

Article 5. The present Convention does not refer to merchant ships which show by their build that they are intended for conversion into war ships.

Article 6. The provisions of the present Convention do not apply except between contracting Powers and then only if all the belligerents are parties to the Convention.

It should be noted in regard to Article 1 that the language used therein does not make it *obligatory* upon the Powers to grant days of grace, for it is only stated to be desirable that such days of grace should be allowed.

By this Proclamation as to Trading with the Enemy, the subject of contraband goods and the carriage of them is dealt with (vide paras. 4 and 5). To consider the terms of this Proclamation it will be seen that the fourth paragraph of the Proclamation refers to "goods, wares or merchandise" for or by way of *transmission* to or from the German Empire or to or from any person resident, etc., as also to the carriage of like goods "*destined for*" or "*coming from*" the same quarters. Whether the words "*coming from*" are meant to include goods that originated from an enemy country is somewhat doubtful. For instance where a merchant in India ordered from a merchant in a neutral country certain goods, which were to be German goods, he might be guilty of offending against the Proclamation. If however he meant merely that if the German goods were already in the neutral market and had been imported there before his order, it is a question whether he would be guilty. This language is used in connection with the subject

Royal Proclamation of 5th August, 1914.

termed by Lord Stowell as "the doctrine of continuous voyages."

"It is universally admitted that the offence of transporting contraband goods is complete, and that the penalty of confiscation attaches from the moment of quitting port on a belligerent destination; and a destination is taken to be belligerent if it is not clearly friendly; a vessel is not permitted to leave her course open to circumstances, and to make her destination dependent on contingencies" (*Hall's Inter. Law*, 5th Ed. p. 668; *The Imina*, 1800, 3 C. Rob. 167; *Trende Sostre*, cited in *The Lisette* 1806, 6 C. Rob. 390n).

The case of *The William* (1806, 5 C. Rob. 385) provides a clear example of the evil aimed at. A neutral ship took cargo on board at La Guayra, came to Marblehead in Massachusetts, landed the cargo and re-embarked it with the addition of other cargo and within a week of its arrival started for Bilbao. The property was condemned. (See also *The Maria*, 1805, 5 C. Rob. 365).

The doctrine propounded by the American Prize Courts in the Civil War is that goods which would be contraband if carried to a hostile port, may be treated as contraband even though their destination be a neutral port, if it can be presumed that they were intended to be forwarded thence by land or sea to an *ultimate hostile* destination. This view was adopted by the British Government in the diplomatic correspondence with the German Government that took place in connection with the detention and search of German mail steamers trading to Delagoa Bay during the South African war (vide *Ency. of Laws of England*, Vol. 3, p. 531).

Trotter's Law of Contract during War (pp. 28 and 29) sets out the result of the correspondence and documents respecting the International Naval Conference held in

London, December 1908 to February 1909, presented to both Houses of Parliament by command of His Majesty, March 1909, as follows :—

“ When an adventure includes the carriage of goods to a neutral port and thence to an interior destination, the doctrine of ‘continuous voyage’ consists in treating for certain purposes the whole journey as one transportation, with the consequences which would have attached had there been no interposition of the neutral port. The doctrine is only applicable when the whole transportation is made in pursuance of a single mercantile transaction preconceived from the outset. Thus it will not be applied where the evidence goes no further than to show that the goods were sent to the neutral port in the hopes of finding a market there for delivery elsewhere.”

The law on the subject of “continuous voyage,” and ultimate hostile destination has been very fully recited and examined in a recent important Prize Case in England (*The Kim*, S. S. *Alfred Nobel*, S. S. *Bjornstjerne Bjornson*, S. S. *Fridland*, 1915, p. 215 ; 1915, W. N. 323.) Sir Samuel Evans in a long judgment addresses himself to these points as follows :—

“ Two important doctrines familiar to international law come prominently forward for consideration ; the one is embodied in the rule as to ‘continuous voyage,’ or ‘continuous transportation’ ; the other relates to the ultimate hostile destination of conditional and absolute contraband respectively.

“ The doctrine of ‘continuous voyage’ was first applied by the English Prize Courts to unlawful trading. There is no reported case in our Courts where the doctrine is applied in terms to the carriage of contraband. But it was so applied and extended by the United States Courts against this country in the time of the American

“ Civil War ; and its application was acceded to by the
 “ British Government of the day ; and was, moreover,
 “ acted upon by the International Commission which sat
 “ under the Treaty between this country and America,
 “ made at Washington on the 8th May, 1871, when the
 “ Commission composed of an Italian, an American and
 “ a British Delegate, unanimously disallowed the claims
 “ in the ‘ *Peterhoff* ’ (5 Wall. 28), which was the leading
 “ case upon the subject of continuous transportation in
 “ relation to contraband goods. (The other well-known
 “ American cases, *e.g.*, the *Stephen Hart*, Blatch, Pr.
 “ Car. 387 ; the *Bermuda*, 3 Wall. 514 ; and the *Spring-*
 “ *bok*, 5 Wall., 1, considered and applied the doctrine in
 “ relation to attempted breaches of the blockade).

“ I am not going through the history of it, but the
 “ doctrine was asserted by Lord Salisbury at the time
 “ of the South African War with reference to German
 “ vessels carrying goods to Delagoa Bay, and as he was
 “ dealing with Germany, he fortified himself by referring
 “ to the view of Bluntschli, as the true view as follows :

“ ‘ If the ships or goods are sent to the destination
 “ of a neutral port only the better to come to the aid of
 “ the enemy, there will be contraband of war, and confis-
 “ cation will be justified.’

“ It is essential to appreciate that the foundation
 “ of the law of contraband, and the reason for the doctrine
 “ of continuous voyage which has been grafted into it, is
 “ the right of a belligerent to prevent certain goods from
 “ reaching the country of the enemy for his military use.

“ Neutral traders, in their own interests, set limits
 “ to the exercise of this right as far as they can. These
 “ conflicting interests of neutrals and belligerents are the
 “ cause of the contests which have taken place upon the
 “ subject of contraband and continuous voyages.

“ A compromise was attempted by the London Conference in the unratified Declaration of London.

“ The doctrine of continuous voyage or continuous transportation was conceded to the full by the Conference in the case of absolute contraband, and it was expressly declared that ‘it is immaterial whether the carriage of the goods is direct, or entails transshipment, or a subsequent transport by land.’

“ As to conditional contraband the attempted compromise was that the doctrine was excluded in the case of conditional contraband, except where the enemy country had no seaboard.

“ As is usual in compromises, there seems to be an absence of logical reason for the exclusion.

“ If it is right that a belligerent should be permitted to capture absolute contraband proceeding by various voyages or transport with an ultimate destination for the enemy territory, why should he not be allowed to capture goods which though not absolutely contraband, become contraband by reason of a further destination to the enemy Government or its armed forces? And with the facilities of transportation by sea and by land which now exist, the right of a belligerent to capture conditional contraband would be of a very shadowy value if a mere consignment to a neutral port were sufficient to protect the goods. It appears also to be obvious that in these days of easy transit, if the doctrine of continuous voyage or continuous transportation is to hold at all, it must cover not only voyages from port to port at sea, but also transport by land until the real, as distinguished from the merely ostensible, destination of the goods is reached.

“ In connection with this subject, note may be taken of the communication of the 20th January, 1915, from

“ Mr. Bryan, as Secretary of State for the United States Government, to Mr. Stone, of the Foreign Relations Committee of the Senate. It is, indeed, a State document. In it the Secretary of State, dealing with absolute and conditional contraband, puts on record the following as the views of the United States Government :—

“ ‘ The rights and interests of belligerents and neutrals are opposed in respect to contraband articles and the trade . . . The record of the United States in the past is not free from criticism. • When neutral, this Government has stood for a restricted list of absolute and conditional contraband. As a belligerent, we have contended for a liberal list, according to our conception of the necessities of the case.

“ ‘ The United States has made earnest representations to Great Britain in regard to the seizure and detention of all American ships or cargoes *bona fide* destined to neutral ports. . . . It will be recalled, however, that American Courts have established various rules bearing on these matters. The rule of ‘ continuous voyage ’ has been not only asserted by American Tribunals, but extended by them. They have exercised the right to determine from the circumstances whether the ostensible was the real destination. They have held that the shipment of articles of contraband to a neutral port ‘ To order ’ (this was of course before the Order in Council of the 29th October), from which, as a matter of fact, cargoes had been transhipped to the enemy, is corroborative evidence that the cargo is really destined to the enemy instead of to the neutral port of delivery. “ It is thus seen that some of the doctrines which appear to bear harshly upon neutrals, at the present time, are analogous to, or out-growths from, policies

“ adopted by the United States when it was a belligerent. The Government, therefore, cannot consistently protest against the application of rules which it has followed in the past, unless they have not been practised as heretofore. . . . The fact that the commerce of the United States is interrupted by Great Britain is consequent upon the superiority of her Navy on the high seas. History shows that whenever a country has possessed the superiority our trade has been interrupted, and that few articles essential to the prosecution of the war have been allowed to reach its enemy from this country.’

“ It is not necessary to dilate further upon the history of the doctrine in question.

“ I have no hesitation in pronouncing that, in my view, the doctrine of continuous voyage, or transportation, both in relation to carriage by sea, and to carriage by overland, had become part of the law of nations at the commencement of the present war, in accordance with the principles of recognised legal decisions, and with the view of the great body of modern jurists, and also with the practice of nations in recent maritime warfare.

“ The result is that the Court is not restricted in its vision to the primary consignments of the goods in these cases to the neutral port of Copenhagen; but is entitled and bound to take a more extended outlook in order to ascertain whether this neutral destination was merely ostensible, and if so, what the real ultimate destination was.

“ As to the real destination of a cargo, one of the chief tests is whether it was consigned to the neutral port to be there delivered, for the purpose of being imported into the common stock of the country. This

“ test was applied over a century ago by Sir William Grant
“ in the Court of Appeal in Prize cases, In the case of
“ the ‘ *William* ’ (5 Ch. Rob. 385). It was adopted by the
“ United States Supreme Court in the unanimous judgment
“ in the ‘ *Bermuda* ’ (3, Wall. 514), where Chief
“ Justice Chase in delivering the judgment said ‘ Neutrals
“ may convey in neutral ships, from one neutral port
“ to another, any goods, whether contraband of war
“ or not, if intended for actual delivery at the port of destination,
“ and to become part of the common stock of
“ the country or of the port.’

“ Another circumstance which has been regarded as
“ important in determining the question of real or ostensible
“ destination at the neutral port was the consignment
“ ‘ to order or assign ’ without naming any
“ consignee.

“ In the celebrated case of the ‘ *Springbok* ’ (5
“ Wallace, 1), the Supreme Court of the United States
“ acted upon inferences as to destination (in the case of
“ blockade) on this very ground. The part of the
“ judgment dealing with the matter is as follows :—

“ ‘ That some other destination than Nassau was
“ intended may be inferred from the fact that the
“ consignment, shown by the Bills of Lading, run the
“ Manifest was to order or assigns. Under the
“ circumstances of this trade, such a consignment must
“ be taken as a negation that any such sale was intended
“ to be made there ; for had such sale been intended it is
“ most likely that the goods would have been consigned
“ for that purpose to some established house named in
“ the Bills of Lading.’

“ The same circumstances was also similarly dealt
“ with in the ‘ *Bermuda* ’ (3 Wall.), and in the ‘ *Peterhoff* ’
“ (see Blatch, p. 540, and 5 Wall. at p. 25).

“ I am not unmindful of the argument that consign-
“ ment ‘ to order ’ is common in these days. But a similar
“ argument was used in the ‘ *Springbok* ’ case, supported
“ by the testimony of some of the principal brokers in
“ London to the effect that a consignment ‘ to order or
“ assign ’ was the usual and regular form of consignment
“ to an agent for sale at such a port as Nassau. The
“ British Government was petitioned to intervene for the
“ shippers ; but upon this point the British Foreign Office
“ said that ‘ no doubt the form was usual in the time of
“ peace, but that a practice which might be perfectly
“ regular in time of peace under the municipal regulations
“ of a particular State, would not always satisfy the Law
“ of Nations in time of war, more particularly when the
“ voyage would expose the ship to the visit of belligerent
“ cruisers,’ and added that ‘ having regard to the very
“ doubtful character of all trade ostensibly carried on at
“ Nassau during the war in the United States, and to many
“ other circumstances of suspicion before the Court, Her
“ Majesty’s Government are not disposed to consider the
“ argument of the Court upon this point as otherwise than
“ tenable.’

“ The argument still remains good, that if shippers,
“ after the outbreak of war, consign goods of the nature
“ of contraband to their own order without naming a con-
“ signee, it may be a circumstance of suspicion in consider-
“ ing the question whether the goods were really intend-
“ ed for the neutral destination, and to become part of
“ the common stock of the neutral country, or whether
“ they had another ultimate destination.

“ Of course it is not conclusive. The suspicion
“ arising from this form of consignment during war might
“ be dispelled by evidence produced by the shippers. It
“ may be here observed that some point was made that in

“ many of the consignments, the bills of lading were not made out ‘to order’ *simpliciter*, but to branches or agents of the shippers. That circumstance does not, in my opinion, make any material difference.

“ Other matters relating to destination will be discussed upon the second branch of the case, viz., whether the goods were destined for Government or military use. Wherever destination comes in question, certainty as to it is seldom possible in such cases as these; ‘highly probable destination’ is enough in the absence of satisfactory evidence for the shippers* (see per L. Stowell, in ‘*Jonge Margaretha*,’ 1 Ch. Rob. at p. 193).”

The terms of the succeeding paragraph of the Proclamation of the 5th August 1914, under discussion, should also be read in connection with the doctrine of continuous voyage. When this Proclamation was revoked by that of the 9th September 1914 (vide Appendix IV), the prohibition against dealing in the same goods for ultimate hostile destination was continued.

The Proclamation of the same date prohibiting British vessels from carrying contraband from one foreign Port to another makes it incumbent on the shipowner to prove, if he wishes to avoid breaking the prohibition, that he was first satisfied that the articles were not intended ultimately for use in the enemy country (vide Appendix III).

During the present hostilities Great Britain and her Allies have adopted in concert the Convention known as the Declaration of London subject to some modifications. (Vide Appendix VI for the Declaration of London).

By the Royal Proclamation of the 16th February, 1915, the certificate of a duly authorised person is final and conclusive as to whether territory is in final or hostile occupation or as to the time at which any territory so became or ceased to be territory in friendly or hostile

occupation (vide Appendix III). It should be noted also that the Royal Proclamation of the 11th March 1915, to restrict the commerce of Germany, declares that no commerce intended for or originating in Germany or belonging to German subjects shall enjoy the protection of the flag of merchant vessels of any country (vide Appendix III).

The Government of India on the 22nd May, 1915, by notification of that date, requires for the export of goods to certain places declarations of ultimate destination in a prescribed form and signed by the actual exporter or by some responsible representative of the actual exporter having a personal and first-hand knowledge of the inquiries made and of the fact stated in the Declaration to be presented to the Customs Collector at the port of export (vide Appendix III).

The import of goods into India by sea and land from certain countries is prohibited unless certificates of origin in a prescribed form are presented to the Customs authorities—though the Collector of Customs may in his discretion, if he sees no reason for suspecting that the goods have emanated from an enemy destination, allow delivery of the goods imported from the particular countries without the certificate on being furnished with a deposit or bond to the amount of three times the value of the goods to ensure the production of the necessary certificates within a prescribed period. (Vide Notification No. 9175, dated 19th June 1910—Appendix III).

Attention should also be called to the warning issued by the Board of Trade to manufacturers and traders engaged in export business that the Proclamations as to trading with the enemy cover indirect trading with the enemy through neutral agents, and that carelessness in transacting neutral business may involve traders in severe

penalties. The notice was issued in connection with the reprisal policy of the British Government in the Order of Council of the 11th March 1915 above referred to, and the necessity for making it effective owing to traders in neutral countries making themselves agents for the supply of goods to enemy countries. The notice therefore warns firms engaged in foreign business to survey with great caution new openings for business with neutral importers or exporters without the fullest inquiry, (vide the Press Communique of the 16th August 1915—Appendix III).

By later Notification of 14th August, 1915, the importation into India of articles from the United Kingdom previously imported from certain countries is prohibited unless accompanied by certain documents in prescribed forms (vide Appendix III).

So far as to the recent legislation on this topic of contraband. Two recent decisions in England may now be referred to in this connection before proceeding to the next Proclamation. An illustration of a trading with the enemy in respect to goods, wares and merchandise can be found in the case of the "*Panariellos*," (part cargo ex. 31, T. L. R. 326 ; 112 L. T. 777, 1915, 2 K. B. 755.) The proceeds of sale of a cargo were condemned on that ground, the facts shortly being :—A German firm (with an agency at London) sold to a French firm certain ores, which the French firm converted into silver lead at a manufactory in Greece, and the French Company resold the product to the German firm. The contract was made before the war, the French firm had begun to load the product on a Greek steamer for conveyance to the purchasers at the outbreak of war, and continued it thereafter for several days. On instructions from the German house the French firm diverted the goods for the German agency in London under the mistaken notion that delivery of the goods in England could be

made to the agency there. Bills of lading endorsed in blank were sent by the Paris Office to the Agency in Germany. The Prize Court on these and other circumstances held that there was a trading with the enemy and condemned the goods.

In a criminal case for the offence of trading with the enemy the facts were that the accused who did business in lithographic transfers in England, and the printing of which was done in Germany, brought the goods into England during war. On appeal it was contended on his behalf that the goods were his property and the mere bringing of them to England when he sent nothing in return was not trading with the enemy at all. It was as if an Englishman had left part of his luggage at a German hotel and had had it sent home. The Court of Appeal in upholding the conviction remarked: "They were satisfied that where goods were supplied from the enemy country under a commercial contract in consequence of commercial relations and as the result of commercial intercourse between the enemy and a British subject, there was an obtaining within the meaning of the Proclamation. 'Obtain from' was used as the co-relative of 'supply to.'" (*Rex. v. Oppenheimer*, 1915, 2 K. B. D. 755; 31 T. L. R., 369.) See also in this connection the passage from Holland's Manual of Naval Prize Law.

By this Proclamation published in India on the 24th August 1914—*British Vessels* were prohibited from carrying contraband from one Foreign Port to any other Foreign Port.

By this Proclamation published in India on the 8th August 1914 and again on the 12th September 1914 (the first of which was not a verbatim reprint) the articles of *warlike stores* mentioned therein were prohibited from export from

the United Kingdom to *certain countries*. (Vide Appendix III).

The list of articles was subsequently altered by Proclamation of 20th August 1914, and by Orders of Council.

By Proclamation of this date published in India on the 7th August 1914 and more fully on the 12th September 1914—certain *warlike stores, provisions*, and victuals were prohibited as to export from the United Kingdom (vide Appendix III).

This Proclamation was varied by those of 10th and 20th August 1914 as also by Orders of Council of the 28th August 1914, and 8th and 25th September 1914.

By Notification of this date the Government of India prohibited the taking by sea or by land out of British India the articles enumerated therein mostly of the nature of *warlike stores*. (Vide Appendix III, post).

This list of articles was, in a recent case before the Bombay High Court, called in question as not being in conformity with law, where the question was whether manganese could be treated as falling within the terms “ammunition and explosives” as used in the Notification.

Beaman J. remarked :—

“ On the 7th of August, 1914, three days after war had broken out between His Britannic Majesty and the German-Austrian Empire, the Government of India Proclamation was duly published in Bombay under the Sea Customs Act, prohibiting the export from India of various articles. Amongst other things the export of ammunition and explosives, and all materials used in the manufacture thereof was prohibited. Now it cannot be denied that manganese is a substance which is used in the manufacture of ammunition. It is true that

“no evidence has been led in the Court to prove that fact, and it is not a fact of which, I suppose, a Court can take judicial notice. But were that the only answer, I do not think I should be disposed to give much weight to the technicality. The Plaintiff has a better answer. Under the Sea Customs Act, the Government is only empowered to prohibit the export of specified articles or things, and I take that to mean that the specification must be exact and nominating. It will not do perhaps to lump a thousand commodities *ejusdem generis* under a vague description. This difficulty was doubtless felt by the Government since a later notification of the 17th October was afterwards issued in supersession of the notification of the 5th August, and there we find the export of manganese specifically prohibited.” (*Karl Ettlinger and George Bernstein v. Chaggandas & Co.* Suit No. 1407 of 1914, decided 8th August 1915).

By this Proclamation published in India on the 12th September 1914 certain *warlike stores, provisions, and victuals* were prohibited from export from the United Kingdom (vide Appendix III).

This Proclamation was modified by one of the 20th August 1914 and by Orders of Council of 28th August and 8th September, 1914.

By the Proclamation of this date, republished in India on the 16th September 1914, the contraband list of articles during the war with Germany was made applicable during the war with Austria-Hungary (vide Appendix III).

As from midnight of the 12th August 1914, the Foreign Office announced war had broken out between Great Britain and Austria-Hungary. In India the notifica-

tion of this state of war was made by the Governor General on the 13th August 1914 (vide Appendix I).

By this Emergency Statute (4 and 5 Geo. V c. 64) of the 28th August 1914, section 8 of the Customs (Exportation Prohibition) Act, 1914, 28th August, 1914, and Inland Revenue Act 1879, enabling the exportation of certain articles to be prohibited, is extended to cover, in addition to the articles therein mentioned, all other articles of every description, whilst a state of war exists.

Power was given to vary any Proclamation or Order in Council made under the said section so amended by an order of the Lords of the Council on the recommendation of the Board of Trade.

As will be seen hereafter, this power was frequently exercised. (Vide Appendix VI, post).

By Order of Council of this date, published in India on the 19th September 1914, the lists of absolute and conditional contraband contained in the Proclamation of the 4th August 1914 (No. 2 supra) were adopted in place of the lists contained in Articles 22 and 24 of the Declaration of London of the 26th February 1909. (Vide Appendix VI, post).

By this order, republished in India on the 3rd October 1914, the prohibitions established by the Proclamations of the 5th, 10th and 20th August, 1914 (*vide supra*) were withdrawn in respect of British India, on the exportation from the United Kingdom of the list of provisions or victuals contained in them. (Vide Appendix III, post).

This Proclamation is one of the main Proclamations in regard to prohibiting trading with the enemy. Until it came into force the other main Proclamation was that of the 5th August which it revoked. (Vide Appendix III).

This Proclamation is shortly dealt with here as it affects *inter alia* the export and import of goods, wares and merchandise [vide Clause 5 (7).] It is more fully treated of in the next Chapter under the more general subject of Trading with the Enemy.

For present purposes three notices of the Board of Trade may be here usefully referred to in connection with this Proclamation, viz :—

- (1) The Notice of the 9th October 1914 to Importers and Exporters whereby in order to prevent breaches of the Royal Proclamation of the 9th September 1914 the Customs authorities are authorized to require certificates of origin and/or Declarations of ultimate Destination, to be respectively presented in respect of goods, wares or merchandise imported into or exported from the United Kingdom in trade with certain ports.
- (2) The Notice of the 7th November 1914 which superseded the last mentioned notice.

The alterations that this Notice introduces as compared with the provisions of the earlier notice are shortly that the word "Place" is substituted for "Port"; certain additional articles are added in regard to which certificates of origin are not required and in the place of the ports mentioned in the Schedule to the earlier notice the countries of Norway, Sweden, Denmark, Holland, Switzerland and Italy are enumerated.

The revoking notice has two new clauses, viz.: 7 and 8, the former of which allows a single Declaration of Ultimate Destination to be used to cover any number of consignments of the same exporter, and the latter of which stipulates who only are capable of making the Declaration.

- (3) The Notice of April 26th 1915, taking effect from the 3rd May 1915, supersedes the last mentioned notice. It contains a recital of the Proclamation of the 16th February 1915 extending the Proclamation of the 9th September 1914 to territory in enemy occupation. It adds to the articles that do not call for Certificates of Origin. It preserves the same list of countries that are exempted, and drops altogether the Clauses 7 and 8 of the revoked notices.

All three notices are to be found in Appendix III hereafter in their order of dates.

The similar Indian notifications are discussed in Chapter V under the Proclamation of the 9th September 1914.

This Order published in India on the 28th November 1914, re-enacted the Order of August 20th 1914, with amendments to minimise as far as possible interference with innocent and neutral trade occasioned by the war (vide Appendix VI).

Order of Council of 29th October, 1914.

These two Orders of Council were considered in a recent Prize Case in England, where two contentions were raised namely, (1) That the Order in Council of the 20th August (even if it was binding on the Court) had been rendered inoperative by the repeal contained in the Order of the 29th October, and (2) that the two Orders in Council purporting to give effect with certain additions and modifications to the unratified "Declaration of London" had no binding effect upon the Prize Court and ought to be disregarded.

Sir Samuel Evans said, "As to the first of these two contentions, no doubt if the first order had effected the substantive rights of the neutral, e.g., if it had declared an article as absolute contraband, which by the repeal-

“ing Order had been removed from the list of contraband
 “before capture, it could not be said that the Order had
 “remained operative so as to justify the seizure of the
 “article. But in reality the only change (material to
 “these cases) which the Order purported to make was in
 “the nature of alteration of practice as to evidence ; viz. :
 “by adding certain presumptions to those contained in
 “the 34th Article of the Declaration of London ; and all
 “these presumptions whether set up in the interest of
 “the captor or against him are rebuttable (see M. Renault’s
 “Report on the Declaration). The Order had proclaimed
 “to the neutral owners of the cargoes before the voyages
 “commenced, how in practice as matter of evidence and
 “proof cargoes seized would be dealt with, and it might
 “fairly be argued that they could not complain if their
 “cases were treated in accordance with the Order. But
 “it is not necessary for one to pronounce any decision
 “upon the point. . . .

“As to the contention that the Order is not binding on
 “this Court, I expressed my views on the general question
 “of the binding character of Orders in Council upon the
 “Prize Court in the case of the ‘*Zamora*.’ I do not wish
 “anything to detract from what I then said ; nor do
 “I deem it necessary at present to add anything as to the
 “general principles. But as to this Order, so far as it effects
 “questions arising in these proceedings, it is right to point
 “out that no provision in it can possibly be said to be in
 “violation of any rule or principle of International Law.
 “It is true that in a matter of real substance it alters the
 “proposed compromise incorporated in Article 35 of the
 “Declaration of London, whereby if the Declaration had
 “been ratified, the doctrine of continuous voyage would
 “have been excluded for conditional contraband. The

“ provision in Article 35 was described by Sir Robert
 “ Finlay (Counsel for several of the claimants) as ‘ an
 “ innovation in International Law as hitherto recognised
 “ in the United States and by Great Britain and other
 “ States, introducing an innovation of the first importance
 “ by excluding the doctrine of continuous voyage in the
 “ case of conditional contraband.’ What the Order in
 “ Council did, therefore, was to prevent the innovation.
 “ In this regard it therefore proceeded not in violation of,
 “ but upon the basis of, the existing International law
 “ upon the subject.” (*The Kim, S.S. Alfred Nobel; S.S.*
“ Bjornstergne Bjornson; and S.S. Fridland, 1915, p. 215 :
“ 1915 W. N. 323).

The views expressed by Sir Samuel Evans in the case
 of “ *The Zamora*,” above referred to are as follows :—

“It is not necessary to discuss the question
 “ whether this Court is bound to obey an Order in Council
 “ which may run contrary to the acknowledged law of
 “ nations. If that question should arise, I am humbly
 “ and fully content to assume the standpoint of Lord
 “ Stowell in the case of ‘ *The Fox* ’ (Edw. 312) in which
 “ he had to deal with the Orders in Council which were
 “ made by way of reprisal after the celebrated Berlin and
 “ Milan decrees of Napoleon. He expressed his view of
 “ the duty of the Prize Court with reference to the law of
 “ nations, and to Orders in Council by the State in and
 “ under which the Court exercised jurisdiction in the
 “ following classical passages :—

“ In the course of the discussion a question has been
 “ started, What would be the duty of the Court under the
 “ Orders in Council that were repugnant to the law of
 “ nations? It has been contended on one side, that the
 “ Court would at all events be bound to enforce the Orders
 “ in Council ; on the other, that the Court would be bound

“ to apply the rule of the law of nations adapted to the
“ particular case in disregard of the Orders in Council.
“ I have not observed, however, that these Orders in
“ Council in their retaliatory character, have been described
“ in the argument as at all repugnant to the law of nations,
“ however liable to be so described if merely original and
“ abstract. And, therefore, it is rather to correct possible
“ misapprehension on the subject than from the sense of
“ any obligation which the present discussion imposes
“ upon me, that I observe that this Court is bound to
“ administer the law of nations to the subjects of other
“ countries in the different relations in which they may be
“ placed towards this country and its Government. That
“ is what others have a right to demand for their subjects,
“ and to complain if they receive it not. This is its un-
“ written law, evidenced in the course of its decisions and
“ collected from the common usage of civilised States. At
“ the same time it is strictly true, that by the Constitution
“ of this country, the King in Council possesses legislative
“ rights over this Court, and has power to issue orders and
“ instructions which it is bound to obey and enforce ; and
“ these constitute the written law of this Court. These
“ two propositions, that the Court is bound to administer
“ the law of nations, and that it is bound to enforce the
“ King’s Orders in Council, are not at all inconsistent with
“ each other, because these orders and instructions are pre-
“ sumed to conform themselves, under the given circum-
“ stances, to the principles of its unwritten law. They
“ are either directory applications of these principles to
“ the cases indicated in them ; cases which, with all the
“ facts and circumstances belonging to them, and which
“ constitute their legal character, could be but imperfect-
“ ly known to the Court itself ; or they are positive regula-
“ tions, consistent with these principles, applying to matters

“which require more exact and definite rules than
“those general principles are capable of furnishing. The
“constitution of this Court, relatively to the legislative
“power of the King in Council, is analogous to that of the
“Courts of common law, relatively to that of the Parlia-
“ment of this Kingdom. These Courts have their un-
“written law, the approved principles of natural reason
“and justice; they have, likewise, the written, or statute
“law, in Acts of Parliament, which are directory appli-
“cations of the same principles to particular subjects, or
“positive regulations consistent with them, upon matters
“which would remain too much at large if they were left
“to the imperfect information which the Courts would
“extract from mere general speculations. What would
“be the duty of the individuals who preside in these Courts,
“if required to enforce an Act of Parliament, which con-
“tradicted these principles, is a question which I presume
“they would not entertain *a priori*; because they will
“not entertain *a priori* the supposition that any such will
“arise. In like manner, this Court will not let itself loose
“into speculations as to what would be its duty under
“such an emergency; because, it cannot without extreme
“indecenty, presume that any such emergency will happen.
“And it is the less disposed to entertain them, because its
“own observation and experience attest the general con-
“formity of such orders and instructions to its principles
“of unwritten law. In the particular case of the orders
“and instructions which give rise to the present ques-
“tion, the Court has not heard it at all maintained in argu-
“ment that as retaliatory orders, they are not conform-
“able to such principles; for retaliatory orders they are.
“They are so declared in their own language, and in the
“uniform language of the Government which has estab-
“lished them. I have no hesitation in saying that they

“ would cease to be just if they ceased to be retaliatory ;
 “ and they would cease to be retaliatory from the moment
 “ the enemy retracts, in a sincere manner, those
 “ measures of his which they were intended to
 “ retaliate.”

Judge and jurists have pronounced upon this subject after the Judgment of Lord Stowell in the “ *Fox*.”

In *Maisonnaire v. Keating* (2 Gall. 325) Mr. Justice Story expressed his view as follows :—

“ The legality of the conduct of the Captors may,
 “ under circumstances, exclusively depend upon the ordi-
 “ nances of their own Government. If, for instance, the
 “ Sovereign should, by a special order, authorise the cap-
 “ ture of neutral property for a cause manifestly unfounded
 “ in the law of nations, there can be no doubt that it
 “ would afford a complete justification of the Captors in
 “ all Tribunals of Prize. The acts of subjects, lawfully
 “ done under the orders of their Sovereign, are not cogniz-
 “ able by Foreign Courts. If such acts be a violation of
 “ neutral rights, the only remedy lies by an appeal to the
 “ Sovereign, or by a resort to arms. A capture, therefore,
 “ under the Berlin and Milan decrees, or the celebrated
 “ Orders in Council, although they might be violations
 “ of neutral rights, must still have been deemed as to the
 “ Captors a rightful capture, and have authorised the ex-
 “ ercise of all the usual rights of war.”

Upon this subject, I may again cite the following passage from the Judgment of an American Judge a generation later :—

“ The general argument against the expediency of
 “ subjecting property to peremptory sale before con-
 “ demnation or trial, must yield to the provisions of posi-
 “ tive law.” (Vide per Best, J. in the “ *Nassau*,” *Blatch-
 ford, Prize Cases*, 198).

“ Our text writers acknowledge the binding force of
“ Orders in Council of the State in which the Court
“ exercises jurisdiction.

“ I will only cite the opinions of one of them, the late
“ Dr. Westlake. In dealing with Coast Fishing Vessels,
“ he writes:—

• “ ‘ But if the captures were made in pursuance of a
“ Government Order, the Prize Court, in the absence of
“ anything to the contrary in the constitution of the
“ country, will be bound by such an Order emanating from
“ the authority under which it sits.’ • (See Volume 11, p.
155).

“ And in dealing more generally with the subject,
“ the learned and esteemed author writes:—

“ ‘ Questions of prize have always been matters of
“ the domestic jurisdiction of the captor’s country, com-
“ monly called the Admiralty jurisdiction from its
“ original form, by whatever name the branch exercising
“ it may be known in any modern system of procedure. It
“ is open to all those of any nationality whose interests
“ may be affected by the decisions, and it is the duty of
“ its Judges, a duty in which they have seldom failed in
“ any civilised country, to do justice to them all with
“ strict impartiality. In that sense a Court of Admiralty
“ is an international one, but in that sense only, for the
“ law which it administers cannot help bearing the impress
“ of its own nationality.’

“ A Court must take its law from the authority under
“ which it sits, and for a Court of Admiralty that autho-
“ rity has never been any other than that of its own coun-
“ try. It must apply any rules of international questions
“ which it finds to be generally agreed on, a condition
“ which involves the agreement of its own country with

“ them. Where there is no general agreement, and the
“ supreme authority of its own country has not taken a
“ decided line, the Court must take that line which justice
“ appears to it to require, whether favourable or not to
“ a fellow subject being a party before it, or to what it
“ may conceive to be the interest of its own country. But
“ where the supreme authority under which it sits has taken
“ a decided line, a Court of Admiralty, like any other
“ Court, can only obey. Thus we have seen the English
“ Parliament and Privy Council determining from time to
“ time whether neutral goods in enemy ships should be
“ deemed lawful prize, and the English Admiralty deciding
“ one way in 1357, and the other way two centuries
“ and a half afterwards. When the famous Orders in
“ Council laid down rules as to neutral shipping for the
“ then Naval war which were certainly not justifiable
“ otherwise than by way of retorsion against the Berlin
“ and Milan Decrees, the British Admiralty did not, and
“ could not, presume either to refuse execution to the
“ Orders, or to exercise an independent judgment as to
“ their justification. (Vol. II, page 318).

“ I am not called upon to declare what this Court would
“ or ought to do in an extreme case if an Order in Council
“ directed something to be done which was clearly repug-
“ nant to and subversive of an acknowledged principle of
“ the Law of Nations.

“ I make bold to express the hope and belief, that the
“ Nations of the world need not be apprehensive that Orders
“ in Council will emanate from the Government of this coun-
“ try in such violation of the acknowledged Law of Nations
“ that it is conceivable that our Prize Tribunals, holding the
“ Law of Nations in reverence, would feel called upon to
“ disregard and refuse obedience to the provisions of such
“ Orders,” (*The ‘ Zamora,’* 31 T. L. R. 573; 113 L. T. 649).

It may be well to refer once again to the distinction between an Order *of* Council and an Order *in* Council. The former is an order of the Lords of the Privy Council meeting *without* the Sovereign : the latter is an order made by the Sovereign "by and with the advice of His Majesty's Privy Council."

• This Proclamation, published in India on the 8th November 1914, extended to the war with Turkey, which had been announced in India on the 6th November 1914, all the previous Proclamations and Orders in Council—save only the "Days of Grace" to enemy ships Proclamation of the 4th August 1914 (vide *supra*, Appendix III).

Attention may be called to this Notice in connection with the understanding to be placed upon the Proclamation relating to the Trading with the Enemy No. 2 of the 9th September 1914 (vide Appendix V, post).

This Notice has been superseded by a further Notice of the Board of Trade of date the 26th April 1915. (Vide Appendix III and notes *ante* under Proclamation of the 9th September 1914).

By this Notification the Governor General prohibited the *import* into British India of goods from certain countries unless properly certified, or otherwise allowed. (Vide Appendix III, post).

The Notification was added to by further Notifications of the 6th February 1915 and 6th March 1915.

By a further Notification the export out of British India of goods to certain places was prohibited unless Declarations of Ultimate Destination are presented. (Vide Appendix III, post).

It was amended by Notification of the 6th March 1915.

This Proclamation published in India on 27th March 1915 as to Trading with the Enemy applied the previous Proclamations to territory in hostile occupation, and territory in friendly occupation. (Vide Appendix III, post).

Royal Proclamation,
16th February, 1915.

This Order, published in India on 24th April 1915, set forth the policy of Government as to reprisals restricting German commerce and affected the cargoes on ships coming from or going to Germany. (Vide Appendix III, post).

Order of Council
of 11th March,
1915.

Attention should be directed to the very important Notice of the Board of Trade published in India on the 16th August 1915, warning export dealers as to opening business with *neutrals* that may make the policy of reprisal less effective. (Vide Appendix III, post).

This notice to importers and exporters may usefully be referred to here. (Vide Appendix V, post).

Board of Trade
Notice of 26th
April, 1915.

It has been already discussed under the Proclamation of the 9th September 1914, *ante*. It does not appear to have been republished in India.

This Notification prohibited all exports of goods save to ports of the United Kingdom and Russia and France unless Declarations of Ultimate Destination are presented in the form prescribed. (Vide Appendix III).

Notification of
22nd May.

This Proclamation is noticeable as extending all previous Proclamations to enemies in China, Siam, Persia or Morocco.

Royal Proclamation of
25th June, 1915.

It was published in India on 24th July, 1915. (Appendix III).

This Notification forbade, with exceptions, the import into India of goods from the United Kingdom which had previously been imported into that country from certain other countries unless certain documents were forthcoming. (Vide Appendix III).

This Press Note in India calls attention to the Notice of the Board of Trade to all export dealers warning them against opening business with neutrals that may assist the enemy.

This added Siam, China, Persia and Morocco to the Notification of the 22nd May, 1915.

This Notification laid restrictions upon the taking out of India by repatriated foreigners of gold and movable or immovable property save as provided. (Vide Appendix III, post).

This Proclamation, published in India on the 19th November 1915, extended to the war with Bulgaria the Proclamations and Orders in force relating to the war. (Vide Appendix III).

This Order, published in India on the 11th December 1915, prohibited the carrying of cargo from any foreign port to any other foreign port by any British steamship Company unless exempted by licence. (Vide Appendix III, post).

This Proclamation, published in India on the 11th December 1915, related to trading with enemies in Liberia or Portuguese East Africa. (Vide Appendix III, post).

All the Proclamations, Orders in Council and Notifications on the subject of contraband will be found collected hereafter in their chronological order. (Vide Appendix III.)

The legislation is taken down to the 15th day of April 1916.

It will be seen how the list of contraband goods lengthened from time to time, and no doubt further accessions to the list will be made whilst the war continues and until such time as it can be said that here we see

“No enemy,

Save winter and rough weather.”

CHAPTER V.

RECENT LEGISLATION AS TO TRADING WITH THE ENEMY WITHOUT LICENCE.

(APART FROM THE SUBJECT OF CONTRABAND).

In approaching the large field of legislation comprising Royal Proclamations, Orders in Council, and Notifications of the Government of India, it is well to recall, what has been previously stated, that the act of the Sovereign in declaring war by the operation of the Common Law is in itself a prohibition to trade with the enemy. To adopt the words of Lord Reading C. J. in a recent decision of the Court of Appeal, "Subjects of the King are bound to conform to the law which sprang into operation at the moment we became engaged in war with Germany. The Royal Proclamation of the 5th August 1914 did not make the law. It notified it to the public and warned them against breach of the law" (*Sanday & Co. v. British & Foreign Insurance Co.*, 1915, W. N. 185 ; 31 T. L. R. 374).

Here may conveniently be set out the dates on which a state of war was notified in India as existing between Great Britain and the various enemy countries.

The dates are as under :—

5th August 1914—as to Germany.

13th August 1914—as to Austria-Hungary.

1st November 1914—as to Turkey, and

18th October 1915—as to Bulgaria.

(Vide Appendix I, post).

As will be seen hereafter, such Proclamations as were in force before the entry of the three last mentioned

countries into the hurly burly of war, were made to apply to such countries upon their participation in hostilities.

The chronological treatment of the Proclamations, Orders in Council, and Notifications that hereafter follows excepts all those that can be said to deal exclusively with the subject of contraband goods. These latter have been collected together as more convenient and already dealt with.

To proceed to deal with the recent legislation the first to be discussed is the Royal Proclamation as under :—

By a Royal Proclamation dated August 5th, 1914, Proclamation of 5th August, 1914. republished in India on the 7th August, 1914, [which was superseded by another Royal Proclamation of the same date and in the same terms save for a few verbal alterations, and was republished in India on the 10th August 1914], relating to trading with the *German Empire*, and which continued in force until the 9th September, when it was revoked, after reciting that it is contrary to law for any person resident, carrying on business, or being in our Dominions, to *trade* or have *any commercial intercourse* with any person resident, carrying on business, or being in the German Empire without permission, all persons resident, carrying on business or being in our Dominions are warned in respect of the following transactions :—

- (a) Not to supply to or obtain from the said Empire any goods, wares or merchandise, or to supply to or obtain the same from any person resident carrying on business, or being therein, nor to supply to or obtain from any person any goods, wares or merchandise for or by way of transmission to or from the said Empire, or to or from any person resident, carrying on business, or being therein, nor to trade in or carry any

goods, wares or merchandise destined for or coming from the said Empire, or for or from any person resident, carrying on business or being therein :

- (b) Not to permit any British ship to leave or enter or communicate with any port or place of the said Empire :
- (c) Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the said Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any of such person in respect of any loss due to the belligerent action of His Majesty's forces or of those of any ally of His Majesty ;
- (d) Nor to enter into any new commercial, financial, or other contract or obligation with or for the benefit of any person resident, carrying on business, or being in the said Empire.

The Proclamation in question declares "that the expression ' person ' in this Proclamation shall include any body of persons corporate or unincorporate, and that where any person has, or has an interest in, houses or branches of business in some other country as well as in Our Dominions, or in the said Empire (as the case may be), this Proclamation shall not apply to the trading or commercial intercourse carried on by such person solely from or by such houses or branches of business in such other country."

The Proclamation excludes transactions which are not treasonable and are not for the time being expressly prohibited by the Proclamation or otherwise, and which

but for the state of war would be lawful, and permits the same.

This Proclamation is often overlooked inasmuch as it was revoked on the 9th September by further Proclamation, but it is of free effect and force as to transactions during the time that it remained effective. It was extended to the enemy country of the Empire of Austria-Hungary by the Royal Proclamation dated 12th August 1914, republished in India on the 16th September 1914, by which date the Proclamation of the 5th August 1914 had been revoked and replaced by its successor of the 9th September 1914.

During the time that the Proclamation of the 5th August 1914 was in force an official announcement in explanation thereof was published in England. (Vide Appendix IV).

This official announcement was revoked by the subsequent Proclamation of the 9th September 1914.

The Government of India does not appear to have republished at any time in India the above Government explanation of that Proclamation, but the Government of Bombay issued a Press Note on much the same lines. (Vide Appendix IV).

The Bombay Government issued a further Press Note on the 28th August 1914 permitting certain transactions. (Vide Appendix IV).

The words in this Proclamation "not to supply to" or obtain from the [German] Empire any goods, wares or merchandise" were construed in a criminal case in England and it was held that "obtain from" was used

as the correlative of "supply to"; and the judgment proceeded to disallow the argument that the obtaining of goods from Germany without payment in return was not within the Proclamation. Lord Reading C. J. used these words: "They were satisfied that where goods were supplied from the enemy country under a commercial contract, in consequence of commercial relations and as the result of commercial intercourse between the enemy and a British subject, there was an obtaining within the meaning of the Proclamation" (*Rex v. Oppenheimer* 1915, 2 K. B. 755; 31 T. L. R. 369). The case last cited also decided that lithographic "transfers" were in law "goods, wares and merchandise" within the meaning of the Proclamations.

The term "house of trade" in an enemy country was a subject of discussion in a prize case before Sir Samuel Evans, who on the facts of the case held that the claimants before him had their house of trade in Frankfurt (*The Mannigtry*, cargo ex. 1915, 32 T. L. R. 36).

In Bombay in a C. I. F. case before Macleod J. it was held that the tender of documents in respect of sugar coming from a port in Germany would not be a valid tender in view of the Proclamation (*Nissim J. Bekhor v. Haji Sultanalli Shushtary & Co.*, Suit No. 1309 of 1914, decided on the 8th February 1915), which followed the case of *Duncan Fox & Co. v. Schrempt & Bouke*, (31 T. L. R. 66) where honey was sold and shipped on a German steamer, C. I. F. to Hamburg, on the 5th August 1914. A tender of documents was made and refused. On a special case stated by arbitrators it was held that such refusal was justified because by accepting the tender and obtaining the goods the defendant would be carrying out a contract in violation of the Proclamations against trading with the enemy.

The next Royal Proclamation that was issued concerned adherence to the King's enemies and was dated 5th August 1914, and was re-published for general information in India by the Gazette of the 7th August 1914. It provided: "And whereas it constitutes adherence to our enemies for any of our subjects or persons resident or being in our Dominions during the continuance of the state of war to contribute to or participate in or assist in the floating of any loan by the Government of the said Emperor [the German Emperor] or to advance money to or enter into any contract or dealings whatsoever with the said Emperor or his Government (save upon our Command), or otherwise to aid, abet or assist the said Government, Now, therefore, we do hereby warn all our subjects and all persons resident or being in our Dominions who may be found doing or attempting any of such treasonable acts as aforesaid that they will be liable to be apprehended and dealt with as traitors, and will be proceeded against with the utmost vigour of the law."

So far there are no reported cases under this Proclamation.

The Proclamation is of interest in showing how in modern times the view is preserved that adherence to the King's enemies, as in the old Statute of Edward III, is treason, and parties so adhering are treated as traitors apprehendable and punishable as such. It was extended to Turkey on the 5th November 1914 by another Royal Proclamation published in India on the 8th November 1914 and also to Bulgaria as from the 16th October 1915 by Proclamation of the 16th October 1915. (Vide Appendix IV).

The penalties for the breach of this Proclamation are provided by section 2 of the Commercial Intercourse with Enemies Ordinance, 1914. (Ord. No. VI of 1914) where it is enacted :—

- “ 2. (1) During the continuance of a state of war between His Majesty and any State it shall not
 “ be lawful to contribute to, or participate in, or
 “ assist in the floating of, any loan raised by
 “ or on behalf of the Government of such State,
 “ or to advance money to, or enter into any
 “ contract or dealings with, or otherwise to abet
 “ or assist the Government of such State.
 (2) Any person contravening the provisions of
 “ this section shall be punishable as if he had
 “ committed an offence under section 121 of
 “ the Indian Penal Code.

and by Section 4 :—

“ Where a company, association or body of
 “ individuals, whether incorporated or not, has
 “ done any act which is an offence under this
 “ ordinance, every member or officer of such
 “ company, association or body who is know-
 “ ingly a party to such act, shall be deemed to
 “ have committed such offence.”

(Vide Appendix II, post.)

Section 121 of the Indian Penal Code runs as follows :—

“ 121. Whoever wages war against the Queen, or attempts to wage such war, or abets the waging of such war, shall be punishable with death, or transportation for life and shall forfeit all his property.”

This particular offence is triable by the Court of Sessions exclusively.

Yet another Proclamation of the 5th August 1914

Further Royal Proclamation of the 5th August, 1914— touching the prohibition of commercial intercourse with the enemy, and particularly the carriage of goods destined for or coming from the German Empire was passed where-

As to carriage of contraband in British vessels.

by British subjects are forbidden to carry in British vessels from any foreign port to any other foreign port, any article that forms contraband of war, unless the shipowner shall have first satisfied himself that such articles are not intended ultimately for use in the enemy country. (See Chapter IV, *ante*.)

The next Royal Proclamation in order of date that

Royal Proclamation of the 12th August, 1914. touches on the subject of trading with the enemy is that of the 12th August 1914, republished in India on the 16th September

1914 (vide Appendix IV).

As already pointed out it extends the Proclamation of the 5th of August in connection with the German Empire to the Dual Monarchy of Austria-Hungary and prohibits all commercial intercourse therewith, as also the giving of financial assistance to loans raised by or on behalf of the latter Monarchy.

The subject of trading with the enemy is directly

Royal Proclamation of the 9th September. treated of again and more fully in the Royal Proclamation of the 9th September 1914, published in India for general information on the 12th September 1914 by the Gazette. It is one of the main Proclamations.

This Proclamation is known as "The Trading with the Enemy Proclamation, Number 2," (vide clause 9 thereof), and as previously pointed out it revokes expressly the previous Proclamation of the 5th August on the same subject, as also para. 2 of the Proclamation of the 12th August 1914 referring to the Dual Monarchy of

Austria-Hungary and substitutes itself in place thereof.

Its opening recitals as to trade or commercial or financial transactions with enemies are very much the same as in the earlier Proclamation, but it declares new matter in the following clauses :—

2. The expression “Enemy Country” in this Proclamation means the territories of the German Empire and of the Dual Monarchy of Austria-Hungary, together with all the Colonies and dependencies thereof.
3. The expression “Enemy” in this Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country.

This latter paragraph has to be read along with clause 6 in the Proclamation, namely :—

6. Provided always that where an enemy has a branch locally situated in British, Allies’ or neutral territory, not being neutral territory in Europe; transactions by or with such branch shall not be treated as transactions by or with an enemy.

Before proceeding to state the transaction in particular which the Proclamation prohibits, attention may be called to the foregoing clauses first of all and the decisions that have been reported in connection with them.

As to the meaning to be attributed to the word “enemy” in para. 3 of the Proclamation, the Court of Appeal in England has considered the point. The plaintiffs were a Company incorporated under the laws of Belgium

and their registered office was in Antwerp. On the outbreak of war the Antwerp business was closed and the books removed to London, the larger part of Belgium, including Antwerp was in the effective military occupation of Germany. The Plaintiffs' business had since been wholly carried on in London. It was held that the Plaintiff Company was not an enemy within the meaning of any of the Acts and Proclamations relating to trading with the enemy (*Société Anonyme Belge des Mines D'Aljustrel (Portugal) v. Anglo-Belgian Agency Ltd*, 1915, 31 T. L. R. 624; 1915 W. N. 308). This was a friendly action to determine whether a company which was registered in Belgium was to be regarded as an enemy or not, the registered office being at Antwerp, and the effect of this decision of the Court of Appeal would now appear to have been got rid of by the recitals in the Proclamation of the 14th September 1915 to this effect:—"For the purposes of the Proclamations for the time being in force relating to trading with the enemy, the expression "enemy" notwithstanding anything in the said Proclamations, is hereby declared to include and to have included any incorporated company or body of persons (wherever incorporated) carrying on business in an enemy country or in any territory for the time being in hostile occupation." (See also the Proclamation of the 16th February 1915 as to occupied territory.)

Next, as to the closing words of para 3 of the proclamation it is clear that the legislature has in the case of Incorporated Companies accepted the views of the Judges in *Janson v. Driefontein Consolidated Mines Ltd.*, (1902 A. C. at pp. 505 and 506). The status of such companies is discussed hereafter more fully.

As will be seen later a Royal Proclamation of the 14th September 1915, republished in India, declared that for

the purposes of the Proclamations for the time being in force the expression "enemy" includes any incorporated company or body of persons (wherever incorporated) carrying on business in an enemy country or in any territory for the time being in hostile occupation (vide Appendix IV), so that now the place of incorporation is not of such importance so long as the Company has a commercial domicile in an enemy country.

Then, as to enemy, and enemy branches. It will be observed that the first Proclamation of the 5th August 1914 has been varied considerably in language and clause 6 above, substituted for the declaration "that where any person has, or has an interest in, houses or branches of business in some other country as well as in our Dominions, or in the said Empire (as the case may be), this Proclamation shall not apply to the trading or commercial intercourse carried on by such person solely from or by such houses or branches of business in such other country."

Clause 6 varies this declaration in two respects that it no longer exempts branches in neutral territory in Europe. In a Scotch case it appears to have been decided that a "transaction" as used in clause 6 of the Proclamation is used in the sense of a transaction after the Proclamation and does not apply to a transaction entered into before the Proclamation. (*Orenstein and Koppel v. Egyptian Phosphate Co.*, Ct. Sess. (Sch), 1915 S. C. 55; L. R. Current Dig. Nov. 1915).

In another case where the Plaintiffs who were cotton waste manufacturers and were German subjects resident in Germany and had their principal place of business there but also had a branch in England, brought an action in England after the outbreak of war upon contracts entered into by the English branch before the war, Lord

Justice Swinfen Eady is reported to have remarked :
 “ The Plaintiffs’ contention was that clause 6 enabled an
 “ enemy to sue in respect of obligations entered into
 “ before the war. In his opinion it did not. The Plaintiffs
 “ therefore, were not suing in respect of any transaction
 “ authorised by or coming within the clause of the Procla-
 “ mation, and consequently were not entitled to maintain
 “ the action under its provisions.” (*W. Wolf & Sons v. Carr
 Parker & Co., Ltd.*, 1915), 31 T. L. R. 407: 1915 W. N. 195.)

Clause 6 was considered in another case in connection with the question whether votes by proxy on behalf of a German Corporation could be accepted at a meeting of the shareholders of an English Company. The facts were that before the war there was a mortgage of shares by two alien enemy companies to the German Bank and the shares were in fact many months before the war pledged with and transferred to the London Branch of the German bank to secure advances made by that branch. The Court could not understand how such a transaction, or anything done in pursuance of it could be a transaction within clause 6 of the Proclamation. “ The case was not
 “ in any way similar to cases which might be held to fall
 “ within clause 6 of the Proclamation—namely, cases
 “ where the branch here of the German bank might, if not
 “ otherwise forbidden, lend money here to an English
 “ subject holding shares in an English Company and yet
 “ registered as owners of those shares and their claim to
 “ vote to protect their security.” (*Robson v. Premier
 Oil Pipe Line Co., Ltd.*, 1915, 2 Ch. 124, 31, T. L. R. 385 ; 1915 W. N. 205).

It would therefore appear on the recent decisions in England that “ transactions ” within clause 6 of the Proclamation refer to only new transactions and do not include transactions before the war.

The only reported case to the contrary is one decided in 1914, and before the Court of Appeal's decision in *Wolf's* case, which was the case of a suit by British Plaintiffs upon a policy of insurance effected with an English office of the defendants who were a German Insurance Company on a loss upon the policy at the end of August. On an application in the suit by the Plaintiffs to transfer the case to the commercial list which was opposed by the defendants, Bailhache J. in a considered judgment allowed the case to proceed holding the defendants were not in the position of alien enemies and remarking, "In the case of individuals and at common law the question whether a man is to be treated as an alien enemy for the purpose of his contracts, right of suit, and the like, does not depend upon his nationality or even upon his true domicile, but upon whether he carries on business in this country or not. If he does it is not illegal, even during war, to have business dealings with him in this country in respect of the business which he carries on here. He is not in respect of that business divided by the war line, but has what is sometimes called a commercial domicile here. The same thing is true of companies which have a head office in Germany but which have a branch office here in respect of business transactions with such branch office. . . In my judgment the defendant Company did upon the facts so far carry on business through their underwriters here as to prevent the rules applicable to alien enemies from applying to business transacted with those underwriters as this business in fact was. Turning now to the Proclamations affecting the question this position seems to be recognised by the executive Government in clause 6 of the Proclamation of September 9. If this were the present position it would, I think, be reasonably clear that the Plaintiffs' right to sue is unfettered by the war and that no question of alien enemy arises."

The judgment then proceeds to consider a later Proclamation of the 8th October which he held undoubtedly did alter the status of the defendants. (*Ingle v. Continental Insurance Company of Manheim*, 1915. I. K. B. 227, 31 T. L. R. 41).

This case must therefore be considered to have been overruled.

Clause 6 of the Proclamation was considered in the Bombay High Court in a short cause suit, where the Plaintiff, a licensed liquidator sued for the principal and interest on several promissory notes passed before the outbreak of war in the favour of a firm having a head office at Bradford in England, and branches in Bombay and Hamburg, the partners of which consisted of a naturalised Englishman and an Austrian subject, the latter controlling the Hamburg office and resident there at the outbreak of war. The defendant admitted the promissory notes but contended that interest thereon was not recoverable at law. Macleod J. referring to *Wolf's* case (above cited) remarked :—

“ Now it may be that if the defendant had paid in
“ the money due on the promissory note to the firm in
“ Bombay he would not have been doing anything which
“ involved a penalty, but I think he was entitled to say
“ ‘ I am not going to do anything which may enure for the
“ benefit of the enemy. I am not going to pay what I
“ owe until I am satisfied that the money which I pay will
“ be retained in safe custody until the cessation of hosti-
“ lities.’ That was his duty as a good citizen, whatever
“ might be permissible under the Proclamation of the
“ Government. It ought not to have needed the experi-
“ ences gained in the present war to make it obvious that
“ trading with an enemy wherever he may be resident
“ or carrying on business must almost certainly benefit

“the enemy country, and although individuals may suffer the common good must be paramount. It would certainly be strange if I were to mulct a man in damages because he failed to assist the enemy. . . In my opinion therefore interest was suspended from the 14th August 1914 until the defendant was notified that the licence of the 9th February 1915 had been granted. . . .” (*Padgett v. Chotia*, (1916), 18 Bom. L. R. 190).

Clause 6 was subsequently made the subject of a further Royal Proclamation of the 7th January 1915. (Vide Appendix IV), where it was declared as follows :—

1. Notwithstanding anything contained in paragraph 6 of the Trading with the Enemy Proclamation No. 2, transactions hereafter entered into by persons, firms, or companies resident, carrying on business or being in the United Kingdom
 - (a) in respect of banking business with a branch situated outside the United Kingdom of an enemy person, firm or company, or
 - (b) in respect of any description of business with a branch situated outside the United Kingdom of an enemy bank,

shall be considered as transactions with an enemy : Provided that the acceptance, payment or other dealing with any negotiable instrument which was drawn before the date of this Proclamation shall not, if otherwise lawful, be deemed to be a transaction hereafter entered into within the meaning of this paragraph.

A Treasury explanatory statement appeared in the Press, Thursday, February 4th 1915, in connection with the foregoing. (Vide Appendix IV).

Returning to the main prohibitions contained in the Trading with the Enemy Proclamation No. 2, British

subjects are by clause 5 warned as follows :-

- (1) *Not to pay any sum of money to or for the benefit of an enemy.*
- (2) *Not to compromise or give security for the payment of any debt or other sum of money with or for the benefit of an enemy.*
- (3) *Not to act on behalf of an enemy in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with any negotiable instrument.*
- (4) *Not to accept, pay, or otherwise deal with any negotiable instrument which is held by or on behalf of an enemy, provided that this prohibition shall not be deemed to be infringed by any person who has no reasonable ground for believing that the instrument is held by or on behalf of an enemy.*
- (5) *Not to enter into any new transaction, or complete any transaction already entered into with an enemy in any stocks, shares or other securities.*
- (6) *Not to make or enter into any new marine, life, fire or other policy or contract of insurance with or for the benefit of an enemy ; nor to accept or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of war.*
- (7) *Not directly or indirectly to supply to or for the use or benefit of, or obtain from, an enemy country or an enemy, any goods, wares or merchandise, nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy, nor directly or indirectly to trade in or carry any*

- goods, wares or merchandise destined for or coming from *an enemy country or an enemy*.
- (8) Not to permit any British ship to leave for, enter or communicate with, any port or place in an enemy country.
 - (9) Not to enter into any commercial, financial or other contract or obligation with or for the benefit of an enemy.
 - (10) Not to enter into any transactions with an enemy if and when they are prohibited by an Order of Council made and published on the recommendation of a Secretary of State, even though they would otherwise be permitted by law, or by this or any other Proclamation.

The words italicised above show the new clauses, and the change of language which has been effected by the revoking Proclamation.

The Proclamation then proceeds to warn offenders that committing or abetting any of the aforesaid acts makes them guilty of a crime and liable to punishment and penalties.

Two provisions (clauses 7 and 8) follow exempting respectively (1) payments by or on account of enemies to British subjects, if such payments arise out of transactions entered into before the outbreak of war or are otherwise permitted, and (2) anything duly licensed.

Turning to a consideration of the above prohibited transactions in their order, it is to be observed that the transactions in sub-clause (1) is specifically mentioned whereas in the revoked Proclamations of the 5th of August this particular form of trading with the enemy is not mentioned but is only included in the general prohibition against trading. Where a license to make such payments is duly granted under clause 8 the prohibition

will not apply. In a recent criminal appeal in England the appellant was a member of a firm which consisted of three partners, naturalized British subjects, and which carried on business in Frankfurt and London.

The appellant lived in London and controlled the London Branch and the other two partners lived in Germany and managed the head office at Frankfurt. Before the war the Frankfurt office ordered goods from a Dutch firm and at the outbreak of war the money was owing. The appellant paid money during the war to the Dutch firm in respect of this transaction and he also paid another sum of money in similar circumstances into the account of the Dutch firm at a London Bank. He was convicted of making payments for the benefit of alien enemies. It was held on appeal that the former payment was a payment made for the benefit of alien enemies within Sec. 5 of the Proclamation and that the conviction was right. (*Rex v. Kupfer*, 1915, 2 K.B. 312; 31 T. L. R. 223).

In another case a partnership of 3 persons, one of whom was an alien enemy resident in Germany, had supplied goods to the defendants. One of the partners had started an action claiming a dissolution of the partnership since the outbreak of the war, and by an order in the suit he had been appointed the Receiver of the Partnership business. He then appears to have sued the defendants for the price of the goods sold, joining with him in the action his two partners. It was urged by the defendants that they were prohibited from paying the amount claimed under the Trading with the Enemy Act. The Court however taking the view that the action was in substance the Receiver's action held that it was impossible to say that it was brought for the benefit of a firm one of whom was an alien enemy and gave judgment. (*Rombach v. Gent*, 1915, 31 T. L. R. 492).

In a further case, the plaintiff, who was a naturalized British subject obtained orders for goods from customers in England and in turn ordered the goods from A, an alien enemy. The goods were consigned in bulk, by A to the plaintiff, and the latter appropriated and delivered them to the buyers. The contracts between the plaintiff and the buyers were made by the plaintiff as principal and not as agent for A, but the arrangement between the plaintiff and A was such that payment to the plaintiff created an obligation on the part of the plaintiff, which otherwise would not have arisen, to remit the money to A, subject to the plaintiff's claim for half profits and commission. The plaintiff brought an action against some of the English buyers for the price of goods sold and delivered, the claim having accrued before the war. Rowlatt J. was of opinion that no crime was committed by making a payment to a third person which merely improved the position of an enemy by giving him further security that he would ultimately recover the money, there being no intention that the enemy while such, should benefit by it as a payment. (*Schmidt v. Van der Veen*, 31 T. L. R. 214; 112, L. T. 991; 84 L. J. (K.B.) 861).

In another case an agent of a principal who was an alien enemy in order to be able to collect debts due to the principal and to pay out sums due by the principal to British subjects, or in other words in order to liquidate the business, attempted by the form of an action against his principal for a declaration that he was entitled to collect debts and pay them as due to and from the principal to effect this object. The Court held his action would not lie. (*Maxwell v. Grunburt*, 31, T. L. R. 79).

In yet another case where the plaintiff claimed a sum on a Bill of Exchange and a further sum on account of goods sold and delivered, and the defendants suspecting that the

Bill and the balance of account were claimed by the plaintiff as the owner of a business still carried on in Cologne on behalf of an enemy, and not being anxious to incur the penalties of trading with the enemy, threw the responsibility of deciding whether the sum could be paid upon the Court, it was held by Scrutton J, upon an agreement between the plaintiff and his German partner made on the eve of the war that the plaintiff was entitled to judgment as either a legal, or equitable assignee of the debt. (*Wilson v. Rogosine & Co., Ltd.*, 1915, 31 T. L. R. 264 ; 113 L. T. 47).

At the present time certain payments to or for the benefit of an enemy can be made. By Act XIV of 1915 termed the Enemy Trading Act, 1915 (vide Appendix II), passed on the 1st October 1915, facilities were provided for payment to the Official Custodian of enemy property of certain moneys, such as dividends, interest or share of profits or sums payable in the way of trade or business, the payment of which is or may be, prohibited owing to the present war. In Bombay the Controller of Hostile Trading Concerns was appointed on the 1st January 1916 as such Custodian (vide Appendix V). On the 13th January 1916 a Press Communique requested all persons who held any amounts due to enemy subjects such as dividends, interest, or share of profits, monies realized on behalf of enemy subjects by sale of goods imported into India, and ordinary debts due to enemy subjects, to pay the same to the Custodian. (Vide Appendix V). In England the Board of Trade by notice warned all Joint Stock Companies from paying dividends or interest to or in accordance with instructions from, any person resident in enemy territory. (Vide Appendix IV).

It should also be noted that on the 12th December 1914 the Governor General in Council in India authorised

the payment to agents of shipowners resident in an enemy country of sums necessary for the purpose of obtaining possession of cargoes of British subjects in neutral ports (vide Appendix IV).

This notification follows closely the language of the Licence of the Board of Trade, September 25th, 1914 (vide *Emergency Legislation Manual*, 1914, p. 383).

• Certain payments for the grant, or for renewal, of patents or for obtaining the registration of trade marks or designs, or the renewal of such registration in an enemy country, as also payments on behalf of an enemy of fees payable in British India on application for, or renewal of, the grant of a patent, or an application for registration of designs or the renewal of such registration have been authorised by notification of the 9th January 1915 (vide Appendix IV). By the Indian Patents and Designs (Temporary) Rules 1915, the Controller of Patents and Designs may, on application of a party who is not a subject of any State at war, order the avoidance or suspension of any patent or licence and of the registration of any design and of all or any right in a registered design, the benefit of which belongs to a subject of an enemy State (vide Appendix IV).

In England with reference to the prohibition in clause 5 (1) of the Proclamation of the 9th September 1914, a licence has been granted permitting such payments and the carrying out of such exchange transactions for the benefit of persons resident in an enemy country as may be sanctioned, as also to receive payment of monies from persons resident in an enemy country in such cases as may be sanctioned (vide *Manual of Emergency Legislation*, 1914, p. 387). No licence of this kind appears to have been made or granted in India.

As regards the prohibition in the Proclamation as to
 Payments by Executors or Administrators to alien enemy beneficiaries or creditors •payments to or for the benefit of enemies,
 attention may be called to the innovation introduced in England in the practice of issuing Probates. A special condition has been attached to the grant in the following form :—

“ This grant is made upon the condition, that no portion of the assets shall be distributed or paid during the war to any beneficiary or creditor who is a German or Austro-Hungarian or Turkish subject, wherever resident, or to anyone on his behalf, or to or on of any person resident in Germany, Austria-Hungary or Turkey, of whatever nationality, without the express sanction of the Crown, acting through the Treasury ; and if any distribution or payment is made contrary to this condition the grant of Probate or Letters of Administration will be forthwith revoked.

“ Upon an application to the Solicitor for the Treasury, there will be no difficulty in proper cases in obtaining the sanction of the Treasury to the payment of a moderate sum out of assets to beneficiaries or creditors who are German, Austro-Hungarian, or Turkish subjects resident in this country at the commencement of the war and during the war.”

No doubt by this time Bulgarian subjects will be found to be included, but the author has no information on the point.

It will be noticed that this condition as attached to grants is remarkable for two facts, firstly that payments to alien enemies is forbidden wherever resident they may be, and secondly breach of the condition results in revocation of the grant.

As soon as the condition on grants was notified in England some forcible objections were formulated in a

letter which appeared in the *Law Journal* of the 19th December 1914. The writer proceeds to formulate his objections in these terms :—

“ It seems to me that this is an interference with private rights which is not warranted by any Common Law rule or statute, and which is in flagrant opposition to the principle laid down in the case of *Wells v. Williams* (1. *Ld. Raymond* 282) and affirmed by numerous judgments, including the recent judgment of Sargant J. in *Princess Thurn and Taxis v. Moffitt*, (W. N. 1914, p. 379). According to these authorities, ‘ the subject of a State at war with this country, but who is carrying on business here, or in a foreign neutral country, is not treated as an alien enemy ’ (per Lord Lindley in *Janson v. Drieffontein Mines*, 1902, A. C. on p. 505).

“ This rule in a somewhat wider form is also embodied in Section 3 of the Trading with the Enemy Proclamation No. 2, and appears again in the preamble to the Trading with the Enemy Amendment Act, 1914. It is, in fact, so well known to lawyers that I am almost ashamed to bring it before your readers ; but if payments to subjects of enemy States who neither reside nor carry on business in an enemy country are lawful, what can justify the legal representatives of a deceased person in withholding such payments from persons otherwise entitled thereto ?

“ Will not the announcement of the Probate Court confirm the impression that all payments to the subjects of enemy States residing in this country are unlawful, an impression which was already largely prevalent, and which, to the present writer’s knowledge, has caused much undeserved hardship ?

“ Quite apart from the question of these indirect effects, the announcement in question constitutes an entirely new departure by attempting to effect a change of the law with-

“ out the authority of the Legislature. It is to be hoped
 “ that the legality of the new ordinance will be brought to
 “ the test, but in the meantime I wish as an upholder of
 “ the “ reign of law ” to utter my protest.”

It can be pointed out that the case of the *Princess of Thurn and Taxis*, cited by the above writer, has been followed in the Irish Courts (*Volke v. Rofunda Hospital*, 1914, 2 K. B. (Ir.) 543), and was approved of by the Court of Appeal in *Porter v. Freudenberg*, 1915, 1 K. B. at p. 874. The judgment of Sargant J. was also cited with approval in *Rex v. Superintendent Vine Street Police Station* (1915, 32 T. L. R. at p. 6).

Further attention was called to the war condition in Probates by an article in the *Solicitors' Journal and Weekly Reporter* of 12th February 1916, Vol. 60, p. 268, referring to the previous reference in Vol. 59. The article proceeds as follows :—

“ Nothing is better settled than that persons resident
 “ and carrying on business in a country take, for war purposes, the national character of that country (*The Harmony*, 1800, 2 Ch. Rob. 322 ; *The Indian Chief*, 1801, 3 Ch. Rob. 12 ; *The Johanna Emilie*, 1854, Spinks Pr. Cas. 12 ; *The Baltica*, 1855, Ibid, 264, and many other cases might be cited). Hence, ever since the outbreak of war, enemy subjects resident and carrying on business here have had the same rights as British subjects to make and receive payments, subject only to special legislation, and we do not remember any statutory provision on this point. In accordance with the rule just stated ‘ enemy ’ in the Emergency Legislation means persons of whatever nationality resident or carrying on business in an enemy country. Hence any action of the Probate Registry designed to interfere with this clear rule seems to have been *ultra vires*. As we

“ have frequently pointed out, the only thing to be guarded against is the transmission of money to the enemy countries, and that is prevented by the common law against commercial intercourse with the enemy, and the Trading with the Enemy Acts and Proclamations.”

The above proposition, namely—“ that ever since the outbreak of war, enemy subjects resident and carrying on business here have had the same rights as British subjects to make and receive payments, subject only to special legislation,” appears to be too widely stated.

As pointed out in Chapter 6 hereafter, merely being at large in the Kingdom unmolested by the English Government is not sufficient, for the Government may not know of the enemy's presence in the country and he must produce either a protection to him as an alien enemy or show in some way that his stay has been sanctioned by the King after the commencement of hostilities (*Boulton v. Dobree*, 1808, 2 Camp. 163).

Reference in this connection may be also made as regards special legislation in British India to the prohibitions in the Hostile Foreigners Trading Order against the carrying on of business by hostile Foreigners or hostile Firms in India. (Vide Chapter V, post).

The article under notice then proceeds to point out that no one could tell with certainty whether a Probate or grant of administration in this form could be safely recognised by third parties. “ If there had been a breach of the condition was the grant *ipso facto* revoked or was it good until express revocation ? ” We suggested, in discussing the point, that it was safer to assume that the grant was *ipso facto* revoked, and upon any dealing with the executor or administrator, to require proof that there had been no breach ; proof which might be given by statutory declaration. We understand that the point

was recently raised before Coleridge J., in a case in which an insurance company required such evidence before paying policy monies to the executor of the assured. On production of the Probate they offered to pay subject to the executor's solicitors giving a "letter as to the non-revocation of the Probate." This, no doubt, was meant to avoid formal proof, and to facilitate matters; but the solicitors declined to give such a letter as was required and an action was commenced to recover the policy money. Ultimately it was settled on the terms of the Plaintiff's counsel undertaking for his client that nothing had been done in contravention of the condition of the Probate, and of the Company paying the policy money, each party to bear their own costs. Had the matter stopped there, it would have produced no useful result; but it was also arranged that the Judge should express his view as to the meaning of the condition and in doing so Coleridge J., said "that the Company were entitled to some undertaking, either by the executor or his solicitor, that nothing had been done to invalidate the grant and that, but for the agreement to accept an undertaking by Counsel on behalf of his client, they would have been entitled to a formal declaration. This appears to be an endorsement of the suggestion which we originally made."

The matter of this war condition in Probates and Grants concerns the public in India because Government has moved the various High Courts in India for an insertion of a similar condition in their Probates and Grants. The Calcutta High Court proposes to attach to all Grants of Probates or Letters of Administration a memorandum which follows generally the lines of the conditions upon which probates, etc., are granted by the High Court of Justice in England. The view of the Chief Justice in

Madras is that there is no objection to inserting in the grant an express prohibition of payments which are illegal at common law during a state of war (*Porter v. Freudenberg*, 1915 1 K. B., page 857) or have since been rendered illegal by legislative authority.

The Allahabad High Court is prepared to follow the Calcutta High Court and to raise no objection to the proposed practice. And the Judicial Commissioner of Oudh takes the same view. The Bombay High Court has, however, examined the whole question of the legality of such an alteration in the form of Probates and Grants, and considers that the prohibition of payments by executors to subjects of hostile countries residing in British India would not be warranted by the Common or Statute Law, and that it is very doubtful if the Court has any jurisdiction to revoke a Probate or Letters of Administration for breach of the proposed condition. The Bombay Judges are of opinion that there is no objection to inserting in Probate and Administration Grants a prohibition of payments to enemy subjects resident in enemy countries.

The question the Bombay High Court appears to have considered is, whether the Indian High Courts can exercise Probate jurisdiction without limitation and could for breach of such a condition as has been proposed revoke a Grant notwithstanding the provisions of Section 234 of the Succession Act. They might do so if the Succession Act does not in the words of Sec. 2 "constitute the law of "British India applicable to all cases of testamentary "succession." It has been held in *De Souza v. Secretary of State*, 12 Beng. L. R. 423, that the English law cannot be held to govern in cases of intestate or testamentary succession having regard to Section 2 of the Succession Act. The correctness of this decision has never been im-

pugned. If the grant of Probate is governed by the Succession Act, and it does not appear that it is suggested it should be in any case withheld, then once it has been granted the manner in which it should be made use of is a matter of administration. Section 234 does not permit revocation of the grant for payment to an alien enemy. *

This sub-clause does not appear so far to have given rise to any reported decisions, but it would appear to be a continuation of sub-clause 1 of clause 6 so as to cover and prevent any transaction falling short of an actual payment but which would be akin to a payment, namely a compromise of, or a giving of a security for a debt due to an enemy, or for his benefit. The clause is fuller in particularity than anything to be found in the previous Proclamation.

The language of these sub-clauses is wider than that contained in the revoked Proclamation. It is clear the legislature was anxious to make it manifest what the transactions were that were illegal, and hence the enumeration of these and other transactions. It must be remembered however that the Proclamation does not pretend to be exhaustive, and it may well be that there are transactions not within the list given in the Proclamation which are nevertheless at common law illegal by reason of their nature.

These sub-clauses cover exhaustively all transactions connected with negotiable instruments.

The reported case of *Wilson v. Ragosine & Co., Ltd.*, (31 T. L. R. 264 ; 113 L. T. 47) cited above shows that an assignee of a Bill, on an assignment entered into before the war in good faith and for valuable consideration, and if the transfer of the bill is before the war, can recover.

* The Author has been privileged to inspect the file of papers in this matter in the Bombay High Court records, and the above commentary has been adopted therefrom—H. C.

In a Bombay case the Mercantile Bank of India sued for an amount on a bill of exchange drawn by a German resident at Hamburg at 30 days sight on the defendants at Bombay against certain goods consigned to Bombay. The Plaintiffs had purchased the bill in London and it was accepted by the defendants in Bombay on 20th July 1914 but they refused to pay on the ground that there was valid tender of documents—the invoice being signed by an alien enemy, while the Bill of Lading was signed by the Captain of a German steamer and the contract being a C. I. F. contract. Beaman J. held that the defendants were clearly liable to pay even apart from the delivery to them of the shipping documents (*Mercantile Bank of India v. R. K. Motishaw & Co.*, Suit No. 1158 of 1915). The above clauses of the Proclamation of the 9th September 1914 do not appear to have been referred to in the case, and beyond a reference to the Proclamation of the 5th August 1914 the point as to whether the payment of the bill would be illegal as being trading with the enemy does not appear to have been taken. The case may be compared with that before the Prize Court at Egypt cited above (vide p. 38) in the case of the *S. S. Barenfels*, where it was held that an acceptance after war was illegal as constituting trading with the enemy. (See now the Royal Proclamation of the 7th January 1915, and the Treasury explanatory statement thereon.)

Trotter in his “Law of Contract during War” deals with sub-clause 4 in the following passage:—

“Prohibition 4 contains an exception to the rule ‘*Ignorantia juris non excusat*’ an exception recognised in Scottish law (*Johnston and Wright v. Goldsmid*, 15th February 1809 F. C.) That rule is strictly applied. Innocent intentions, however, may be a factor in determining whether in fact there was a trading with the enemy

“ (*The Mercurius*, 1 Ch. Rob. 84). But ignorance of the
 “ existence of war seems immaterial (*The Perkoe*, 1914,
 “ 137 L. T. 452). Again, if it is clearly proved that goods
 “ were purchased under an order given before the com-
 “ mencement of war, and that it was beyond the owner’s
 “ power after using due diligence to countermand the order
 “ in time to prevent the shipment, he will not be guilty
 “ of trading with the enemy (*The ‘ Juffrow Catharina,’*
 “ 5 Ch. Rob. 141).”

This prohibition as to dealing in shares and the like
 with an enemy applies equally to comple-
 Sub-clause 5. tion of transactions already entered into as
 to new transactions of a similar nature.

The type of transaction here prohibited in special terms could only have been brought in under the earlier and revoked Proclamations by its general pronouncement against trading with the enemy.

In Bombay a Press Note was issued on the 9th December 1914 circulating a Notice of the Board of Trade in England to Joint Stock Companies restricting the payment of dividends or interest declared or becoming due after the outbreak of war to or in accordance with instructions from any person resident in enemy territory, and similarly restricting the registration of transfer of shares or debentures from any person resident in enemy territory. (Vide Press Note, Appendix IV, post).

But it should be noticed that payments of dividends, or interest, due to enemy subjects, may now be paid to the Controller of Hostile Trading Concerns for the Presidency of Bombay without offending against the prohibition as to dealings with enemy subjects. In fact it is requested that such payments should be made, (vide Press Note of the 13th January 1916, Appendix IV, post, and see Act 14 of 1915, Appendix II).

In England the Committee for General Purposes of the Stock Exchange issued the following notice dated August 19th, 1914, as to enemy balances :—

“ Brokers holding Balances or Securities for account
“ of Alien enemies should hold same in suspense and not
“ allow them to be in any way dealt with during con-
“ tinuance of the war, except in satisfaction of legal obli-
“ gations to British subjects undertaken before the war.”
(Vide Supplement No. 2 to Manual of Emergency Legisla-
tion, p. 521).

Similarly a notice was issued dated 12th November 1914, as to transactions open for or with an enemy as follows :—

“ Doubts having been entertained in some quarters
“ as to the position of Members of the Stock Exchange,
“ who, at the outbreak of war, had transactions open
“ for or with an enemy, a conference was recently held
“ at the Treasury with Members of the Stock Exchange
“ Committee and the following announcement is now
“ authorised :—

“ Stock Exchange transactions entered into by a
“ Member of the Stock Exchange before the war on behalf
“ of an enemy, and not completed when hostilities began,
“ cannot in view of the law relating to Trading with the
“ Enemy, be completed by such Member for the enemy.
“ Such Member is entitled to close the transaction by
“ purchase or sale as the case may be.”

The notice states that the word “ enemy ” used there-
in has the same meaning as that defined in the Proclama-
tion No. 2. (Vide Supplement No. 3 to the Manual of
Emergency Legislation, p. 525).

By Section 3 of the Trading with the Enemy Amend-
ment Act, 1914, every company incorporated in the
United Kingdom and every company which, though not

incorporated in the United Kingdom, has a share transfer or share registration office in the United Kingdom shall, within one month from the passing of this Act, by notice in writing communicate to the Custodian of enemy property, appointed under the Act, full particulars of all shares, stock, debentures and debenture stock and other obligations of the Company which are held by or for the benefit of an enemy ; and every partner of every firm, one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within one month after the commencement of this Act, by notice in writing communicate to the Custodian full particulars as to any share of profits and interest due to such enemies or enemy. Penalties are provided for non-compliance of these rules.

The Stock Exchange Committee also passed the following resolution dated 21st December 1914, as to American shares in enemy names :—

“ That American Share Certificates standing in the “ name of an alien enemy are no longer a good delivery.”

(Vide Supplement No. 3 to the Manual of Emergency Legislation, p. 526).

In Bombay no rules appear to have been passed by the Native Share and Stock Brokers' Association.

Attention should first be drawn to the fact that this sub-clause was subsequently entirely revoked by the Proclamation of the 8th October 1914, published in India on 7th November 1914. (See Gazette of India 1914, Part I, p. 1768), and the following prohibition issued in its place :—

- (6) “ Not to make or enter into any new marine, “ life, fire or other Policy or Contract of Insurance (including re-insurance) with or for the

“ benefit of an enemy ; nor to accept, or give
 “ effect to any insurance of, any risk arising
 “ under any policy or contract of insurance
 “ (including re-insurance) made or entered into,
 “ with or for the benefit of an enemy before the
 “ outbreak of war ; and in particular as regards
 “ *Treaties or Contracts of re-insurance current at*
 “ *the outbreak of war to which an enemy is a party*
 “ *or in which an enemy is interested, not to cede to*
 “ *the enemy or to accept from the enemy under*
 “ *any such Treaty or Contract any risk arising under*
 “ *any policy or contract of insurance (including*
 “ *re-insurance) made or entered into after the out-*
 “ *break of war, or any share in any such risk.*”

The italicised words above show the new matter introduced by the revoking and amending Proclamation of the 8th October 1914. This revocation, it should be noted, is expressly stated to be of effect as from the date thereof so that it is not retrospective in effect. (*Ingle v. Continental Insurance Company of Manheim*, 1914, 31 T. L. R. 41).

It was also provided by the revoking Proclamation of the 8th October 1914, in para. 5 : “ Notwithstanding
 “ anything contained in paragraph 6 of the Trading with
 “ the Enemy Proclamation, No. 2, where an enemy has
 “ a branch locally situated in British, allied or neutral,
 “ territory, which carries on the business of *insurance* or
 “ *re-insurance* of whatever nature, transactions by or with
 “ such branch in respect of the business of *insurance* or
 “ *re-insurance* shall be considered as transactions by or
 “ with an enemy.”

It would therefore appear from the Proclamations of the 9th September 1914, that from that date down to the Proclamation of the 8th October 1914 a British subject

paying premiums on his life policy to the branch in England of an alien enemy insurance company would not be trading with the enemy, but that from the 8th October 1914 such payments would be illegal.

This sixth clause of the Proclamation is no more than declaratory of the common law.

MARINE INSURANCES.

As to Marine Insurance, under the definition of that term in the English Marine Insurance Act the ship or property must be one which may be lawfully insured. An insurance of goods in furtherance of an illegal trading with the enemy is void (*Potts v. Bell*, 1800, 8 T. R. 548). If the countries of the assured and underwriter go to war, the policy is void (*Aubert v. Gray*, 1862, 3 B. and S. 163). The insuring of an enemy's goods as it amounts to an indemnity against capture by the insurer's State, is inconsistent with the very object of war (*Furtado v. Rogers*, 1802, 3 Bos. and P. 191), and is void *ab initio*.

This also applies to the case of capture by an Ally of the insurer's State, so that after the war the policy cannot be sued upon (*Branding v. Curling*, 1803, 4 East 410).

In all policies there is an implied warranty that the adventure is a legal one. Where a voyage is illegal, an insurance upon it is illegal (*Redmond v. Smith*, 1844, 7 Man. and G. 457). Adventures are illegal when prohibited by statute law of the State of the underwriter, or Orders in Council (*Waugh v. Morris*, 1873, L. R. 8 Q. B. 202) or an embargo (*Delmada v. Motteux*, 1785, *Park* 357), and by the public policy of the insurer's country (*Brandon v. Nesbitt*, *Bristow v. Towers*, 1794, 6 T. R. 23, 25; *Gamba v. Le Mesurier*, 1803, 7 R. R. 407, 590; see also *Furtado v. Rogers* and *Brandon v. Curling*, *supra*). Insuring Bri-

tish-owned property engaged in trade with an enemy is also illegal for the same reason (*The Hoop*, 1799, 1 Rob. C. 196 ; and *Potts v. Bell*, supra), unless such trade is licensed (*Hasedorn v. Bazett*, 1813, 2 M. and S. 100) and such license is not used fraudulently (*Gordon v. Vaughan*, 1810, 12 East 302 ; *Gibson v. Service*, 1814, 5 Taun 433). The illegality of the adventure to be effective must occur on the actual voyage insured or it will not avoid the Policy (*Wilson v. Marryat*, 1798, 8 T. R. 31). What is regarded is the immediate destination of the adventure, so that a policy on goods to a friendly or neutral port there to be delivered to a neutral resident in hostile country is good (*Bromley v. Heseltine*, 1807, 1 Camp. 75), and a policy on ammunition despatched from a neutral port to another to be sent on to a hostile port is legal (*Hobbs v. Henning*, 1865, 17 C. B. N. S. 791). In the case of an insurance on both legal and illegal goods belonging to the same assured, if some are within the protection of a licence, the policy as to them can be held to be valid (*Keis v. Andrade*, 1816, 6 Taun. 498 ; *Pieschall v. Allnutt*, 1813, 4 Taun. 792 ; *Butler v. Allnutt*, 1816, 1 Sark 223). A loss happening to a foreign subject under a policy made with a British insurer against capture of property in transit from the foreign State to Great Britain, by seizure made by the foreign Government in contemplation of war with Great Britain, and for the purposes of making war, is recoverable so long as an actual state of war does not exist (*Driefontein Consolidated Gold Mines v. Janson*, 1901, 2 K. B. 419 ; 1902 A. C. 484).

The effect of war on marine insurances has since the outbreak of the present war been considered in a case of a C. I. F. contract. Scrutton J. has decided that a contract of insurance with a German Company became void on the 4th August 1914 except as regards claims accrued

before war, which however cannot be enforced during the war, and that a tender of such a policy was not a valid tender of the documents requisite to a C. I. F. contract (*Arnold Karberg & Co. v. Blythe Green Jourdain & Co., Ltd.*, 1915, 31 T. L. R. 351 ; 1915 W. N. 158).

In another case the plaintiffs shipped goods on board a German vessel for carriage from Calcutta to Hamburg, and insured them with the defendants against the usual perils, including men-of-war, enemies, and restraint of Princes. While the goods were at sea the present war broke out, and in order to avoid capture, the master put into a neutral port before the ship had gone into the zone of immediate danger. The plaintiffs gave notice of abandonment and claimed as for a total loss. It was held that although to constitute a loss by capture actual capture was not necessary, the risk of such capture must have been imminent, but that the loss in the circumstances of the case could not be regarded as the proximate cause of the peril insured against. (*Becker Gray & Co. v. London Assurance Co.*, 1915, 3 K. B. 410).

For a further consideration of the subject reference should be made to text-writers and such cases as *Robinson Gold Mining Co. v. Alliance Insurance Co.*, (1901, 2 K. B. 919 ; 1902, 2 K. B. 489 ; 1904 A. C. 359) and *Nigel Gold Mining Co. v. Hoade*, (1901, 2 K. B. 849), and *Sanday & Co. v. British and Foreign Insurance Co.*, (1915).

As to licenses allowing insurances of goods on enemy ships, and the enemy's ships, see notes to Chapter VI, post.

LIFE INSURANCES.

As to Insurances on life where one of the parties to the contract becomes an alien enemy there would appear to be no English cases on the effect of war on such insurances.

There are American decisions not easy to reconcile with each other. Trotter in his *Law of Contract During War* states the result of them as follows :—

“ A failure to pay premiums during the war avoids the policy’ (*Worthington v. Charter Oak Life Insurance Company*, 1874, 19 American Reports, 495). Where such failure arises from the fact that it would involve intercourse with an alien enemy in enemy territory, then, although the contract is ended, the assured is entitled to the equitable value of the policy arising from the premiums actually paid. This equitable value is the difference between the cost of a new policy and the present value of the premium yet to be paid on the forfeited policy when the forfeiture occurred, and may be recovered by action on the conclusion of peace (*New York Life Insurance Company v. Statham*, 1876, 93 United States Reports, Supreme Court, 24). The payment of premiums during the war by the assured to an agent of the Company, who resides in the same territory as the assured, binds the Company, (*Robinson v. International Life Assurance Society*, 1870, 1 American Reports, 490 ; *Sands v. New York Life Insurance Company*, 1872, 10 American Reports, 535) ; provided such agent continues to have due authority to receive the premiums (*New York Life Insurance Company v. Davis*, 1877, 95 United States Reports, Supreme Court, 425). Where an agent in such circumstances refuses to accept payment the Company will be held liable (*New York Life Insurance Company v. Clopton*, 1869, 3 American Reports, 290). ”

OTHER INSURANCES.

As to an alien enemy’s property or land, express insurance of it against seizure by the insured’s Government during war is illegal and void ; but if such seizure takes

place while war is only imminent the loss is recoverable under a policy in general terms (*Janson v. Driefontein Consolidated Mines, Limited*, 1902, A. C. 484).

Comparing this sub-clause with that portion of the Proclamation of the 5th August 1914, which
 Sub-clause 7. relates to the same matter and considering the words italicised above as indicating the extent of the change of language, it will be observed that these changes widen the scope of the original clause and extend the prohibition in all directions possible.

The subject of contraband goods and their carriage, and the doctrine of continuous voyage, has already been discussed above, and the remarks made there are equally appropriate to a discussion on sub-clause 7 of this Proclamation.

In connection with para. 5 (7) of the Proclamation under notice, attention may be called to the various notices given by the Board of Trade in England to Importers and Exporters. The first notice is of the 9th October 1914 (vide Appendix III) requiring the production of Certificates of Origin or Declarations of Ultimate Destination respectively to the proper authorities in respect of all goods, wares or merchandise imported into or exported from the United Kingdom as regards certain Ports of Trade. This notice was superseded by another notice of the 7th November 1914, which in turn was superseded by another notice of the 26th April 1915, (vide Appendix III). These have been discussed already in Chapter IV under the date of the Proclamation of the 9th September 1914.

Turning to the similar steps taken in India there is the Notification of the 9th December 1914, No. 1669 W, (vide Bom. G. G. extra, of December 12th, 1914) requiring certificates of origin as regards goods imported into British India, and a separate Notification of the same date

No. 1670, requiring Declarations of Ultimate Destination as regards goods to be exported from British India. Both these Notifications were amended by Notifications Nos. 2221 W, and 2204 W, of the 6th March 1915, (vide App. III), Nos. 6566 W and 6405 W, respectively, of the 15th May 1915 (vide App. III). The Notification No. 1670 of the 9th December 1914, as regards Declarations of Ultimate Destination was superseded by Not. No. 7050 of the 22nd May 1915, which was amended by Not. No. 9195 of the 19th June 1915 (vide App. III). Similarly the first Notification No. 1669 W of the 9th December 1914, as regards Certificates of Origin was superseded by Not. No. 9175 W of the 19th June 1915, which was amended by Not. Nos. 14577 W of the 11th September 1915, No. 126. W of the 13th November 1915, and No. 75 W of the same date (vide Appendix III). It only remains to draw attention to the Notification No. 13467 W of the 14th August 1915 (Appendix III), requiring in the case of goods imported into British India from the United Kingdom, which had been previously imported into the United Kingdom from certain countries, the production of copies of "Specification for Foreign and Colonial Merchandise" and "Shipping Bill" in prescribed forms.

As regards goods on board vessels destined for or coming from enemy ports, reference should be made to the commentary on the next sub-clause.

It may not be out of place here to consider the effect of war upon contracts of affreightment to or from enemy ports. It has been fully established that inasmuch as the presumed object of war is as much to cripple the enemy's commerce as to capture his property, the declaration of war imports a prohibition of commercial intercourse and correspondence with the inhabitants of the enemy's country and that such inter-

Effect of war
upon contracts
of affreight-
ment.

course, except with the license of the Crown is illegal. (*Esposito v. Bowden*, 1857, 27 L. J. Q. B. 20). The great cases of *The Hoop*,* (1899 1 Rob. 196), and *Potts v. Bell* (8 Term. Rep. 549) further establish that it is illegal for a subject in time of war without license, to bring from the enemy's port even in a neutral ship, goods purchased in the enemy's country after the commencement of hostilities, although not appearing to have been purchased from an enemy; in effect that trading with the inhabitants of an enemy's country is trading with the enemy.

If before the commencement of a voyage, war or hostilities should take place between the State to which the ship or cargo belongs and that to which they are destined, or commerce between them be wholly prohibited, the contract for conveyance is at an end; the merchant must unload his goods, and the owners find another employment for the ship. The same principle would probably apply to the same events happening after the commencement and before the completion of the voyage. (*Esposito v. Bowden*, 1857, 27 L. J. Q. B. 17 at p. 21-22).

In the case of *Reid v. Hoskins* (24 L. J. Q. B., 315; 25 L. J. Q. B. 55, and 26 L. J. Q. B. 5), the ship was a British registered ship; both the plaintiff and the defendant were natural born British subjects, and the defendant pleaded that before breach of the contract to load a cargo at Odessa war had broken out between Russia and England, and that no license for loading a cargo on board the vessel was or could be obtained. It was held that the contract was dissolved by the declaration of war. (See also *Avery v. Bowden*, 25 L. J. Q. B. 49; 26 L. J. Q. B. 3 for a similar case).

The contract however will not be dissolved or its performance excused merely because such performance becomes difficult or impossible by reason of hostilities hav-

ing broken out in the country where the goods are to come from. The party would not be absolved from delivering the goods under his contract, for the incidents of such contracts are to be governed by the law of the country where it is made unless there is something to show that the intention of the parties was that the law of the country where the contract is to be performed is to prevail (*Jacobs v. Credit Lyonnais*, 1884, 12 Q. B. D. 589).

Where the Government of the country to which both the ship and the cargo belong prohibits the exportation of the particular commodity which forms the cargo, then the contract would be dissolved and both parties excused from performing it, and neither party will be entitled to any damages (*Barker v. Hodgson*, 3 M. & S. 267, at 270). It may be useful to note that a contract once dissolved by war cannot be reintegrated by any subsequent permission granted by the Government to carry out transactions similar to those in the contract. (*Esposito v. Bowden*, supra). The mere fact that the performance of the contract has become more expensive will not justify the party escaping liability on the ground of impossibility (*Brown v. Royal Insurance Co.*, 1859, 1 E. & E. 853 ; 28 L. J. Q. B. 275 ; *Bombay and Persia S. N. Co. v. Rubattino Co.*, I. L. R. 14 Bom. 147 at 155.) Similarly where it turned out that the defendant had named a place for discharging a cargo and it became impossible to do so because it was declared illegal, that did not put an end to the contract if the performance in any other way was legal and practicable (*Wagh v. Morris*, 1873, L. R. 8 Q. B. 202 at 207).

So too in an action upon a Charter-party for not providing a cargo at a foreign port the charterer's defence that he was prevented by the Government at that port prohibiting the export of the goods intended to be loaded under the Charter-party, was held to be bad. [*Blight v. Page*, 3

B. & P. 295 n. (a)]. Reference can also be made to *Barker v. Hodgson*, (1814, 3 M. & S. 267). Nor will an embargo save a freighter who absolutely covenants to provide the loading in a foreign port (*Sjoerds v. Luscombe*, 16 East 201).

Not only does the declaration of war make it illegal to carry out a contract of affreightment which involves trading or dealing with the enemy but as a general rule it is illegal after knowledge of the war to remove from the enemy country without a license from the Crown, merchandise acquired before the war, and the same is liable to capture and confiscation by the Crown. The circumstance of the previous purchase would seem to be a matter for the consideration of the Crown in its clemency alone. (*Esposito v. Bowden*, 27 L. J. Q. B. 17 at 22). Even merchandise purchased in the enemy country since war, though not from enemies, cannot, without license, be lawfully shipped from an enemy's port even in a neutral vessel (*Potts v. Bell*, 1800, 8 Term. Rep. 549).

A recent case shows that where under a C. I. F. contract an English firm sold to another English firm certain goods shipped on a German steamer to Hamburg, payment to be in Liverpool against shipping documents on the presentation of same, and war in the meantime broke out between England and Germany, and on the same day as the Royal Proclamation against Trading with the Enemy was issued, shipping documents were tendered to the purchasers who refused them, it was held that they were justified, as acceptance of such tender would be in violation of the Proclamation. (*Duncan Fox v. Schrempff and Bouke*, 1915, 1 K. B. 365).

Goods purchased before the war in the enemy's country cannot be removed except under license.

When goods purchased in enemy country since war from a person not an enemy cannot be shipped.

Goods shipped on enemy vessel prior to war. under a C. I. F. contract can be refused when documents tendered.

In another C. I. F. case the facts were that the Plaintiff sold beans to be shipped from China to Naples. In July 1914 the beans were shipped on a German ship. After the outbreak of war the German Bill of Lading was tendered to the sellers who refused to accept the same and to pay for the beans. The ship at the time was in a port of refuge. It was held that when the sellers tendered the documents and demanded the price, they tendered documents which had been contracts but which were thus by considerations of public policy void and unenforceable, and that to carry out the original obligations would involve entering into contractual relations with the King's enemies.: (*Arnold Karberg & Co. v. Blythe Green Jourdain & Co.*, 1915, W. N. 158; 31 T. L. R. 357).

It must however be noted that although the performance of a contract *in specie* may become illegal by reason of the outbreak of war, yet if the contract was valid and binding at the time when it was made and contained an arbitration clause and also contained what is known as a war clause which provided that in the event of a war being declared between certain countries the contract was to be closed at a particular rate, the Court would not restrain a party thereto from proceeding under the arbitration clause, at the instance of the other party. (*Smith Coney & Barrett v. Becker Gray & Co.* 31 T. L. R. 59; affirmed in 31 T. L. R. 151).

And though the outbreak of war may render it illegal to perform a contract by reason of the party being obliged to deal with the enemy if he performed it in one way, still if the contract can be legally performed in some other way specified in the contract, the Courts will not treat it as dissolved owing to the war. (*The Teutonia* (1872) L. R. 4 P. C. 171, 181.)

In that case goods were shipped on board a German vessel under a charter-party and bills of lading, the vessel being bound to proceed under orders to a safe port in Great Britain or on the Continent and there deliver the cargo, and the owners ordered the ship at first to proceed to Dunkirk, a French port. When the master arrived off Dunkirk he received information that war had broken out between France and Prussia. He therefore did not enter the port of Dunkirk and under subsequent orders received from the master he went to Dover, a safe port in Great Britain, and was ready to discharge the cargo there on payment of freight. As a matter of fact war was actually declared three days after the vessel first arrived off Dunkirk. It was held that the master committed no breach of contract in refusing to deliver the cargo at Dunkirk and that he was entitled to the freight for the cargo from the owners before delivery thereof, Lord Justice Mellish remarking as follows:—"The question to be determined is what "is the effect of the named port becoming a closed port by "reason of war breaking out between the time when the "orders are given and the time when the ship arrives. "As their Lordships have already given their opinion "that the master was guilty of no improper deviation or "unreasonable delay in proceeding to Dunkirk, they think "the case, as to this branch of it, is exactly the same as "if the war had already broken out when the vessel first "arrived off Dunkirk. . . . Their Lordships are "of opinion that they ought not to hold that "the contract between the parties has become "impossible of performance and is therefore to be "treated as dissolved if by any reasonable construc- "tion it can be treated as still capable, in substance, "of being performed."

The carriage by a ship-owner of goods destined for an alien enemy without the knowledge and consent of the other shippers is a breach of duty towards them, and the shipowner is liable for damages for delay in delivering their goods at the port of destination if the ship is seized and detained by reason of having enemies' goods on board. (*Dunn v. Bucknall Bros.* (1902) 2 K. B. 614.)

A stipulation in a charter-party substituting a different port of loading in the event of war refers to a war between the United Kingdom and a foreign country and not to a war between two foreign countries [see Halsbury's Laws of England, Vol. 26, p. 193 f. n. (1)].

It becomes important sometimes to consider what are the rights of the shipper and the shipowner in connection with the payment of freight in cases in which owing to a declaration of war the shipowner is unable to carry the cargo to the port mentioned in the bill of lading or the charter-party. If there are other ports mentioned in the charter-party to any of which the cargo could legally be taken and is as a matter of fact taken by the Captain, the shipowner will be entitled to the freight even though the carrying of the cargo to the particular port to which it had first been consigned became impossible owing to the outbreak of the war (see *The Teutonia* (1872) L. R. 4 p. c. 171).

But where the ship was unable to deliver the cargo at its destination through the port of discharge having been blockaded, it was held that the shipowner was not entitled to his freight. *Castel v. Trechman* (1884) 1 C. and E. 276. In that case the charter-party provided that the ship was to proceed to ports called Tonapse and

Tegunroz "or so near thereunto as she could safely get" and there deliver the particular cargo, freight being payable on delivery. When the vessel arrived there the ports had been blockaded and the master discharged the cargo at Constantinople. It was held that even though the course adopted by the Captain might be reasonable, the shipowner was not entitled to the freight even on an implied contract to pay freight *pro rata* and that the charterer was entitled to recover the freight paid by him under protest.

It may be noted that a charterer is entitled to refuse to load a steamer if he thinks that she would not be able to proceed to the destination within a commercially reasonable time—which class of case always arises in time of war. (*Ropner & Co. v. Ronnebeck* 1915, W. N. 157).

It remains to notice a recent decision in England to the effect that the requisition of a vessel by Government for national services which was under a Time Charter Party did not put an end to or suspend the Charter Party. (*F. A. Tamplin Steamship Co. v. Anglo-Mexican Petroleum Products Company*, 1915, 3 K. B. 668).

Requisition of a steamer by Government under a Time Charter Party for a term of years is not thereby put an end to.

As to the effect of war upon contracts of insurance of goods at sea see the notes as to Marine Insurance under sub-clause 6 of the Proclamation of the 9th September 1914, in Chapter V.

This clause is identical in language with that of the Sub-clause 8. Proclamation of the 8th August.

The usual commercial meaning of "port" is a place where ships go to load or unload, embark or disembark. (*The Möwe*, 1914, 31 T. L. R. 46).

Holland's Manual of Naval Prize Law, p. 14, defines trading with the enemy as follows:—

“ The Commander will be justified in considering
 “ a British vessel as trading with the enemy—

(1) “ If she has commenced her voyage from a hostile
 port ;

(2) “ If during her voyage she has touched at a hostile
 “ port as a port of call whether she has actually
 “ taken cargo on board thence or not.

(3) “ If she commenced her voyage leaving a hostile
 “ port, either certainly or according to contin-
 “ gencies, for her port of destination or port
 “ of call, unless, previous to the time she is
 “ met with, her master has definitely abandon-
 “ ed the intention to go to a hostile port ;

(4) “ If her real port of destination is hostile though
 “ her immediate and apparent port of destina-
 “ tion is neutral.”

In connection with this last para. reference can be made to the case of the *Jonge Pieter* (4 Rob. C. 83).

Holland's work above referred to adds (vide clause 46) that trading properly so called is not necessary to constitute the offence, but that mere intercourse is enough. Thus it will in general be no excuse that the vessel was chartered to bring back to British territory British property deposited in the enemy's territory before the breaking out of the war, if the charter party was entered into with the knowledge of the war.

As to the doctrine of continuous voyage, the matter has been already dealt with in Chapter IV.

It is of course illegal to have any intercourse with the ports of an enemy. If it were once admitted that a ship may enter an interdicted port to supply herself with water or on any other pretence, a door would be opened to all sorts of fraud without the possibility of preventing

them. (*Bell v. Reid*, 1813, 1 Man & Sel. 726 at p. 730—citing Sir W. Scott).

It remains to state that British shareholders in, and British or neutral mortgagees of, an enemy ship captured by a British cruiser have no remedy at law when that ship is condemned as a prize of war ; and this is so even when the mortgagees advanced money for necessities. British subjects may present their case to the Crown for the exercise of its prerogative of bounty. (*The Marie Glæser*, 1914, 137 L. T. 468).

Shippers may have a claim for damages against a British shipowner who carries their goods amongst others destined for the enemy without their knowledge and consent for delay in delivery caused by the ship's seizure and detention (*Dunn v. Bucknall Bros.*, 1902, 2 K. B. (C. A.) 614).

No action lies for the recovery of freight if the carriage of the goods amounts to trading with the enemy (*Muller v. Gernon*, 3 Taunt, 394). Though where the carrier is neutral and the shipper or the consignee is a British subject the latter are liable for freight (*The Hoop*, 1799, 1 Ch. Rob. 219 ; *Smart v. Wolff*, 3 T. R. 323), unless the goods are contraband (*The "Sarah Christina"*, 1 Ch. Rob. 237; *The "Mercurius"* idem 288; *The Emmanull*, idem 296).

This sub-clause is likewise a repetition of the language of the revoked Proclamation save that for Sub-clause 9. the words "any person resident, carrying "on business or being in the said Empire" in the earlier prohibition, the shorter term "an enemy" as defined in Section 4, is substituted.

The prohibition in the sub-clause must be read along with paragraph 8 of the Proclamation excepting cases of licenses, and the saving words in the opening portion of paragraph 5 of it.

The law is clear that one of the immediate consequences of the commencement of hostilities is the interdiction of all commercial intercourse between the subjects of the States at war, without the license of their respective Governments. The prohibition applies to all persons domiciled within the hostile State. If a war breaks out, a foreign merchant carrying on trade in a belligerent country has a reasonable time allowed him for transferring himself and his property to another country. If he does not avail himself of the opportunity, he is treated, for the purposes of the trade, as a subject of the Power under whose dominion he carries it on, and as an enemy of those with whom that Power is at war (*The Mashona*, 1900, 17 *Buchanan* 135; cited in Trotter's *Law of Contract* at p. 17).

From what has already been pointed out in connection with the subject of trading with the enemy, it will be seen that a general rule exists in common law, irrespective of Proclamations and special orders in that behalf, that contracts made with alien enemies of the realm during war are illegal and void (*Potts v. Bell*, 1800, 8 T. R. 548; *Brandon v. Nesbitt*, 1794, 6 T. R. 23; *Janson v. Driefontein Consolidated Mines Ltd.*, 1902, A. C. 484; *Willison v. Patteson*, 1817, 7 Taunt 439, and the cases cited above). There are exceptions to this rule which may briefly be summarised as follows:—

1. Contracts entered into under an express or an implied license. (See Chapter VI).
2. Contracts of necessity entered into by enemy prisoners. In the books there are old cases establishing this exception (*Antoine v. Morshead*, 1815, 6 Taunt 237; *Willison v. Patteson*, 1817, 7 Taunt, 439; *Sparenburgh v. Bannatyne*, 1797, 1 Bos. and P. 163; *Maria v. Hull*, 2 Bos. and P. 236; *Rex v. Depardo*, 1 Taunt, 26; *Bazett v. Meyer*, 4 Taunt, 324, 834).

3. Ransom Contracts. These formerly were held valid (*Ricord v. Bettenham*, 1765, 3 Burr, 1734 ; *Furtado v. Rogers*, 1802, 3 Bos. and P. 191 ; *Anthon v. Fisher Dongl*, 649 n. and other old cases).

The subject is not nowadays of much practical importance (22 Geo. III, C. 25, abolishing ransom contracts ; 27 and 28 Vict. C. 25, S. 45).

Certain payments in connection with patents, designs and trade marks, and the release of cargoes in neutral ports have by Notifications of the Governor General in Council been specially authorised (vide Appendix III, post).

Sub-clause 10. This is a new sub-clause.

As to the application of this sub-clause as regards persons carrying on business or being in His Majesty's Dominions beyond the seas, the Royal Proclamation of October 8th, 1914, enacts as follows :

- (1) The expression " Order of Council made and " published on the recommendation of a Secretary of State " in paragraph 5, heading (10), of the Trading with the Enemy Proclamation No. 2, shall, as regards persons resident, carrying on business or being in our Dominions beyond the seas, be taken to mean an order of the Governor in Council published in the Official Gazette :

And by the Proclamation " Governor in Council " in this paragraph means, as respects India, the Governor General of India in Council, who is empowered to grant licenses under the Proclamation.

The Proclamation No. 2 was subsequently, it is to be noted, made applicable to occupied Territory by the Proclamation of the 16th February 1915 (Appendix IV).

The subject of Trading with the Enemy is next treated of in the Royal Proclamation of the 8th day of October 1914, republished in India on the 7th day of November 1914.

Royal Proclamation of the 8th October 1914.

As referred to above, it amended and revoked in part the Royal Proclamation of the 9th September 1914. It is to be read as one with it (vide paragraph 6), but it operates from its own date and is not therefore retrospective in effect (*Ingle v. Continental Insurance Company of Mannheim*, 1914, 31 T. L. R. 41).

It is of particular importance in regard to insurance transactions with enemy branches and calls for no further comment than that already recorded to it. It is under the powers mentioned therein that the Notifications of the 12th December 1914 in British India were issued (vide below.)

This Proclamation published in India on the 12th December 1914 deals with the importation of sugar into the United Kingdom (vide Appendix III).

Royal Proclamation of the 26th October 1914.

The Governor General in Council, under the powers vested in him (vide para. 3 of the Royal Proclamation of the 8th October 1914) by a Notification dated the 12th day of December 1914, licensed trading with the enemy in a limited manner by authorizing British subjects in British India to make payments for the purpose of obtaining possession of their cargoes in neutral ports to the agents of shipowners resident in an enemy country. In a recent appeal in the Bombay High Court (*R. K. Motishaw & Co. v. Mercantile Bank of India*, Appeal No. 63 of 1915), where the Bank sued the appellant on an acceptance of a bill before the war drawn by a German on the Defendants in respect of goods the subject of a C. I. F. contract, the Appeal Court rested in

Notification of the 12th December 1914.

part its decision on this Proclamation. The goods the subject of the documents against which the draft was drawn were on board an Austrian steamship that had left Bombay Harbour before discharge of the goods had been effected, and had sailed with them to the neutral port of Marmagoa, and the Court held that the defendant was liable to retire the draft and decreed the Bank's claim.

The Governor General in Council under the powers vested in him (vide para. 3 of the 'Royal Proclamation of the 8th October 1914') by a further notification dated the 9th January 1916, authorised persons in British India to pay the necessary fees in connection with the grant or renewals of patents, or the registration of trade marks or designs, or the renewal thereof in an "enemy country," and also the payment on behalf of an "enemy" of any fees payable in British India in connection with the same limited transactions.

In England an Act was passed (The Patents, Designs and Trade Marks (Temporary Rules) Act, 1914 C. 2) empowering the Board of Trade during the continuance of the war to make rules for avoidance or suspension of patents or licences granted to, and trade marks owned by, and of applications on behalf of enemy subjects, and an amending Act (C. 73) extending the first Act to designs and providing for grant of licenses to persons other than enemy subjects was subsequently passed. (Vide Manual of Emergency Legislation, pp. 12 and 30.) Temporary Rules and Notices were thereupon passed. (Vide *idem*, pp. 226, 229, 230, 233, 235 and 236).

The Government of India license as set out in the Notification under review is modelled upon that issued in England by the Board of Trade on the 23rd September 1914. (Vide Manual of Emergency Legislature, p. 381).

This Indian Order is passed under the Foreigners Ordinance (III of 1914), the Amending Ordinance (VII of 1914) and further Amending Ordinance (VIII of 1914). (Vide Appendix V.)

Hostile Foreigners (Trading) Order of 14th November 1914.

These Ordinances are by virtue of Act I of 1915, kept in force during the war and for six months thereafter. (Vide Act I of 1915, App. II, post).

The order is aimed against the trading in British India by hostile foreigners or hostile firms without license. It defines the terms "hostile Foreigner" and "hostile Firm," and provides for the application for license for such trading, failing application within the stipulated period the Local Government can take over all the assets of the foreigner or firm.

Wide powers are given for investigating the character of the hostile firm.

In Chapter II the definitions of "Hostile Foreigner" and "Hostile Firm" have been discussed and the unsatisfactory nature thereof considered, to which reference should be made.

The Order covers all subjects of the German Empire, the dual Monarchy of Austria-Hungary, or of the Ottoman Empire (other than Egyptian subjects). The reason for the exception as to Egyptian subjects is found in the fact that the suzerainty of Turkey over Egypt was terminated in view of the state of war arising out of the action of Turkey and the Foreign Office Notification on the 18th December 1914, that Egypt is constituted a British Protectorate.

As to Asiatic subjects of the Ottoman Empire in British India, a subsequent Notification of the 13th February 1915, authorised them to carry on trade or business in British India subject to certain restrictions

and conditions. It is in form a licence (vide Appendix III, post).

The order was also made to cover all subjects of the King of the Bulgarians on the 11th December 1915, save that for the date 3rd August 1914, in clause 2 (b) the date of the 14th October 1915 is to be substituted, and the period of one month within which to apply for a license to trade is to be calculated as from the 11th December 1915, the date of the amending notification. (Vide Appendix IV, post).

Turning to the clauses of the Trading Order, it is to be noticed in connection with para. 4 that the Government on the 26th November 1914, under a Notification of that date, authorised the carrying on of trade or business in British India by Companies satisfying certain stipulated conditions. (Vide Appendix V, post).

This notification was superseded by a further Notification of the 28th November 1914, which made alterations in one of the clauses (vide clause 2) of the earlier Notification, otherwise re-enacting the whole of it. (Vide Appendix V, post).

Paragraph 6, clause (I) (11) of the Order was subsequently enlarged. Within a fortnight from the Notification of this Order, a further Notification on the 28th November 1914, was passed (to be read as one with the former Notification) to prevent the abuse of the period of one month, allowed for the application for a license to trade, by any dealing with the assets of the concern so got in or realised during that period with the purpose of directly or indirectly remitting the same to any person resident in an enemy State.

It is left entirely to the discretion of the Local Government to decide whether the contemplated abuse of the period exists or is likely to exist.

Clause 6, sub-clause 4, of the Order, it should be noticed, had an addition by way of explanation added to it by a Notification of the 22nd January 1916, the effect of which is to include in the reference to a refused license in the sub-clause a license revoked or become inoperative. (Vide Appendix V, post).

Under this order as far as Bombay is concerned, an appointment of Controller of Hostile Trading Concerns was made on 26th November 1914, and the appointee was on the 28th September 1915, succeeded by another Controller who was vested with the powers in clause 3 and 6 of the said Order. (Vide Appendix V, post).

It only remains to point out that the jurisdiction of the Controller of Hostile Trading Concerns, Bombay, was extended to the Presidency of Bombay including Sind and Aden. (Vide Notification of the 1st January 1916, Appendix V, post).

It should be noticed that in Bombay the Controller of Hostile Trading Concerns was, by Notification No. 1193-W., of the 1st January 1916, (vide App. V) appointed the Custodian of enemy property under the Trading with the Enemy Act (Act XIV of 1915) for the purpose of receiving, holding and dealing with such money as may be paid in pursuance of the Act. (Vide App. II).

A Press Communiqué of the 13th January 1916 (vide App. V) in drawing attention to this appointment, called on persons holding any amounts due to enemy subjects to pay them to the Custodian of Enemy Property, Bombay.

It should be noticed that the Indian Enemy Trading Act by Section 3, as also by its preamble, only contemplates as enemy property, "monies" or "money," such as dividends, interest or share of profits (vide Sec. 4), and trade debts (vide Sec. 5), whereas the corresponding English Act (5 Geo. V. C. 12) comprises both money *and property*.

This word property (vide Sec. 4, sub-S. 1 of the Trading with the Enemy Amendment Act) has been construed as meaning some definite property which can vest in the Custodian and does not cover a possible balance on a running account. (*In re Bank Für Handel Und Industrie*, 1915, 1 Ch. 848).

As regards the power of seizure and detention of enemy property, monies or assets, it may not be out of place here to note that it was at one time usual during wars to confiscate private property and debts owing to enemy subjects. As instances, it will be found that France, during the wars of the Revolution, appropriated all the securities, personal and real, belonging to enemy subjects though it should be noted that they were returned under Article 14 of the Peace of Paris, May 30th, 1814. So too, in 1807 Denmark repudiated all debts owing by her subjects to English creditors. During the American Civil War the Confederates confiscated all the property moveable and immoveable in the Southern States belonging to citizens of the Northern States. As late as 1879 Bolivia took the same course as regards the property of Chilian subjects in Bolivia. (*Encyclopædia of the Laws of England*, Vol. 14, p. 565). Most writers on international law express the view that confiscation of enemy property is not a breach of international law. In fact *dicta* can be found in support of the view (see Story J. in *Brown v. United States*, 8 Cranch, 110, and the remarks of Dr. Lushington in *The Johanna Emilie*, Spinks 317 at p. 319).

But it can at this time be safely said that civilised countries of to-day respect enemy property and do not confiscate such property out and out. The present war legislation supports this view, and the power of seizure and detention is obviously conferred on Government in order to prevent the removal of such property to the enemy

country there to be of assistance and aid to the enemy State in maintaining the war. As a recent writer on the subject has put it: "A State might reasonably believe "that the sanction of Orders in Council or even of an Act "of Parliament prohibiting the conveyance of such "property, whether it consisted of money, securities or "materials of war, would not be effective to prevent the "transference of such property to the territory of the "enemy, and it would not be a violation of international "law that the State should seize and detain such property "during the continuance of hostilities in its own interests." (Page, on War and Alien Enemies, p. 16).

As far back as the reign of George the Third, Parliament passed a Statute with the object of detaining within Great Britain during the war with France, the moneys, securities, chattels and debts of French subjects for the purpose, as the preamble put it, for more effectually preserving money and effects in the hands of His Majesty's subjects belonging to or disposable by persons resident in France for the benefit of the individual owners thereof. (Vide Geo. III, C. 79).

Later in England the Courts in 1817 condemned as "not conformable to the usage of nations" a Danish ordinance which declared as sequestrated and detained all ships, goods, money and moneys worth of, or belonging to, English subjects (*Wolff v. Oxholm*, 6 M. & S. 92).

In the conduct of hostilities, the Hague Convention 1907, laid down in article 33 (g), that it is especially forbidden to destroy or seize the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war.

Even in the case of military occupation of the territory of an enemy, article 46 of the same Convention stipulates that private property must be respected and private

property cannot be confiscated. Article 53 lays down that an army of occupation can only take possession of cash, funds and realisable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and generally all moveable property belonging to the State which may be used for military operations.

The vesting of enemy property in the persons of Custodians under the Enemy Trading Act, and the Contrôllers under the Hostile Foreigners Trading Order must, it is submitted, be viewed in the light of modern international opinion, and no doubt the ultimate disposal of such property will to a great degree depend on the final settlement of accounts between the present belligerent Powers when peace is either restored or about to be restored, and such property though so vested may at present not be regarded as confiscated out and out. Possibly if the present war is pursued to the bitter end, the enemies of the Allied Powers may be so financially embarrassed that they may have little or nothing left wherewith to settle accounts, in which case one might expect to see the application of the good old rule, the simple plan, "that they should take who have the power and they should keep who can."

Though the Enemy Trading Act in India only refers to "money" and the English Act to "money and property," it may be of use here to briefly review the subject of the private property of alien enemies at sea. This subject naturally divides itself into the two classes of (a) ships, and (b) goods.

First then as to enemy merchant ships within territorial waters, reference should be made to the
 (a) Ships. notes on this subject already given as to granting them days of grace.

Apart from ships of this class all enemy ships may be attacked and captured by British warships on the high seas, or within the territorial waters of the British Dominions, but not within the territorial water limits of neutral States, except the following:—

- (1) Hospital Ships (see the 10th Hague Convention of 1907).
- (2) Vessels employed in religious, scientific or philanthropic missions (see the 11th Hague Convention, 1907, Act 4).
- (3) Cartel vessels such as are used for the exchange of prisoners (*The Datffie*, 3 Rob. 139 ; *La Glorie*, 5 Rob. 193).
- (4) Small craft engaged exclusively in Coast fishery, or in the petty transactions of local trade, if not engaged in hostilities (see 11th Hague Convention of 1907, Act 3 ; *The Young Jacob* and *Johanna*, 1 Rob. 20 ; *The Læsbet Vander Toll*, 5 Rob. 283).
- (5) Licensed ships, provided they have complied strictly with the terms of their licence.

The case of merchant ships converted into war vessels is covered by Articles 1 to 6 of the 7th Hague Convention of 1907.

The capture of an enemy ship does not by itself legalise its confiscation. The Prize Court has to adjudicate upon its capture.

Capture by a warship in neutral waters by sending out boats will not make the capture by them on the high seas lawful. (*The Twee Gebræders*, 3 Rob. 162 ; *The Anna*, 5 Rob. 373).

As to what ships are enemy ships, the cases show firstly that all vessels under the flag and pass or licence of the enemy State are treated as such irrespective of to

whom they may belong (*The Vigilantia*; 1 Rob. 1; *The Vrow Elizabeth*, 5 Rob. 2; *Anna Catherina*, 5 Rob. 161, at p. 167; *The Primus*, 1 Spinks, 353). Secondly, vessels owned wholly or in part by an enemy (*The Primus*, supra, *The Industrie*, 1 Spinks, 444; *The Vrow Elizabeth*, 5 Rob. 2). Thirdly, vessels which an enemy transfers while upon her voyage unless the purchaser has actually taken possession of her (*The Vrow Margaretta*, 1 Rob. 336; *The Jan Frederick*, 5 Rob. 128, at p. 133; *Baltica*, 11 Moc. P. C. 141, at p. 145), and lastly transferred ships turned over either before war and in contemplation of war, or during war unless the transfer is *bona fide*, and the whole sale is complete and the purchase price paid in full (*The Bernon*, 1 Rob. 101; *The Welwaat*, 1 Rob. 122; *The Baltica*, supra; *The Jan Frederick*, 5 Rob. 133).

Turning next to enemy goods at sea, these are best
 (b) Goods at treated of as goods carried in enemy ships
 Sea. or in neutral ships. As to the first class it may generally be said that they are liable to seizure and condemnation with certain exceptions in regard to postal correspondence (vide 11th Hague Convention of 1907), Hospital appliances and Stores (10th Hague Convention of 1907), and enemy cargo on an enemy merchantman (see Acts 1, 2 and 3 of the 6th Hague Convention).

The topic of the property of alien enemies at sea is succinctly discussed in Page's War and Alien Enemies.

This Royal Proclamation has already been referred to as extending Proclamations in force to occupied territory.

Article 42 of the Annex to the Hague Convention, 1907, considers territory as occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.

Reference can be made to the case of *Société Anonyme Belge des Mines D' Aljustrel (Portugal) v. Anglo-Belgian Agency Ltd.*, (1915, 31, T. L. R. 624²; 1915, W. N. 308) already discussed under the Proclamation of the 5th August, 1914.

CHAPTER VI.

LICENCES

TO TRADE WITH THE ENEMY.

The granting of licences by the Crown enabling trading with the enemy is, as already pointed out, the exception that proves the rule that trading with the enemy without licence is illegal. The Crown has always had the power at common law to grant licences (*Vandyck v. Whitmore*, 1 East., 475 at p. 486). The opening recital of the trading with the German Empire Proclamation of the 5th August 1914, states in this connection that it is contrary to law for persons in Our Dominions to trade or have commercial intercourse with persons trading or residing in the German Empire "*without Our permission.*" So, too, in the Proclamation of the 5th August 1914, as to rendering financial assistance to the enemy, the prohibition against doing so is made subject to the exception—"save upon Our command." The Proclamation of the 9th September 1914 has by clause 8 thereof announced that "nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our licence or by the licence given on Our behalf by a Secretary of State or the Board of Trade." Under this power licences were granted during the present war by both the Secretary of State and by the Board of Trade. By clause 3 of the Proclamation of the 8th October 1914, the power to grant licences vested in the Secretary of State may be exercised in India by the Governor General.

By Ordinance III of 1914, the Governor General in Council may provide that foreigners residing in British

India shall be prohibited from carrying on trade or business or shall only carry on trade or business subject to such conditions and restrictions as he may impose. (Vide Appendix II).

By the same Ordinance the Governor General is empowered to exempt either absolutely or conditionally any foreigner or any class of foreigner from all or any of the provisions of the Ordinance.

Under Ordinance VI of 1914, clause 6, nothing in the Ordinance shall be deemed to prohibit anything done under licence granted by or under the authority of His Majesty or the Governor General. Licences specially granted to individuals or applying to classes of persons can also be issued by the Governor General under the Hostile Foreigners (Trading) Order 1914 (Appendix V), and many such have been issued.

Lord Stowell in the great case of *The Hoop*, (1799, 1 Ch. Rob. 196 at p. 199) has given the reason for granting licences in these words :

“ By the law and constitution of this country, the Sovereign alone has the power of declaring war and peace. He alone therefore who has the power of entirely removing the state of war, has the power of removing it in part, by permitting, where he sees proper, that commercial intercourse which is a partial suspension of war. There may be occasions on which such an intercourse may be highly expedient. . . It is for the State alone, on more enlarged views of policy, and on consideration of all circumstances that may be connected with such an intercourse, to determine when it shall be permitted, and under what regulations.”

As pointed out in *Rucker v. Ansley* (1816, 5 Man. and Sel. 25) it is often the policy of Government to allow the

importation of an article of necessity even at the expense of obtaining it in a hostile port, and to relieve the British market of those articles with which it is overstocked and to supply a commodity of enemy produce of which Great Britain may stand in need.

Licenses so granted by the Crown can be divided into two classes :—

Licenses to alien enemies to reside in our dominions and trade there ; and licenses to British subjects to reside in enemy country and to trade with alien enemies.

As to the first class the true position at law of an alien enemy within our territories should be understood. As already pointed out Lord Stowell in the case of *The Hoop* (1799, 1, C. Rob. 196) remarked that no man can sue in British Courts who is a subject of the enemy unless under particular circumstances that *pro hac vice* discharge him from the character of an enemy such as his coming under a flag of truce, a cartel, a pass, or some other act of public authority that puts him in the King's peace *pro hac vice*, as otherwise he is totally *ex lege*.

So an alien enemy come into the realm *sub salvo conductu* may sue, or an alien come in time of peace, and living *sub protectione* may after outbreak of war sue (*Wells v. Williams*, 1698, 1 Sack. 45). Modern cases repeat the proposition that alien enemies have no civil rights or privileges unless they are here under the protection and by the permission of the Crown (*Porter v. Freudenberg*, etc., 31 T. L. R. 112 C. A.) An alien enemy duly registered under the provisions of the Aliens Restriction Act 1914, and order made thereunder, and residing in a prohibited area of the United Kingdom under a permit, has been allowed to sue notwithstanding the existence of a

state of war between Great Britain and the country of the alien. (*Volkl v. Rotunda Hospital*, 1914, 2 K. B. (Ir) 543).

The effect of such registration is to amount at least to a license to the person to remain in the Kingdom and "when persons are allowed to remain either for a specified time after the commencement of war or during good behaviour, they are exonerated from the disabilities of enemies for such time as they in fact stay, and then are placed in the same position as other foreigners except that they cannot carry on a direct trade in their own or other enemy vessels with the enemy country." (*Princess of Thurn and Taxis v. Moffitt*, 1915, 1 Ch. D. 58).

In this connection it is interesting to note that Hobart C. J., held in an old case that a general pardon by Parliament applied to aliens on the ground that by being within the King's Protection, being of a friendly country and truly under his subjection, they were capable of the title in the Preamble of the Act, viz : His loving and obedient subjects. The judgment concluded with these words—"But if the stranger were not in the Kingdom at the time of the Pardon made, then he were not within the benefit, for he is no otherwise a subject but by his residence here." (*Courteen's Case*, Hob. Rep. 270).

As remarked in a recent Habeas Corpus proceeding in England :—"At common law an alien enemy had no rights (see *Sylvestre's Case*, 7 Mod. Rep. p. 150) and he could be seized and imprisoned and could have no advantage of the law of England. This position however has been softened by custom and by the decisions of the Courts, and the judgment of Sargant J. in *Princess Thurn and Taxis v. Moffitt*, 1915, 1 Ch. Div. 58; approved by the Court of Appeal in *Porter v. Freudenberg*, 1915, 1 K. B. at page 874, shows that an alien enemy regis-

“tered under the Aliens Restriction Act, 1914, as this applicant is, is entitled to sue in the King’s Courts (which would, I suppose, include such an application as the present) as he is resident here by tacit permission of the Crown and so is *sub protectione domini regis*.” (*Rex v. The Superintendent of Vine Street Police Station*, 1915, 32 T. L. R. 3, at page 6).

In a recent case where the plaintiffs claimed as creditors of a deceased Duchess and sued her executors, one of the plaintiff partners was of enemy nationality, but as he was not residing nor carrying on business in an enemy State, the Court refused a motion that all further proceedings in the action should be stayed. (*In re Mary Duchess of Sutherland Bechoff, David & Co. v. Babna*, 1915, 31 T. L. R. 248).

The decision was based upon the remark of Lord Lindley in another case, viz :

“When considering the enforcement of civil rights, a person may be treated as the subject of an enemy State notwithstanding that he is in fact a subject of the British Crown or of a neutral State. Conversely, a person may be treated as a subject of the Crown notwithstanding that he is in fact the subject of an enemy State.” (*Janson v. Driefontein Consolidated Mines, Ltd.*, 1902, A. C. 484 at p. 505).

This decision would appear to create a difficulty in the law on the point, unless it be treated as implying a license to sue in favour of such an alien enemy.

When an alien enemy claims to be protected, it is for him to establish the specific order, license, or other ground under which he claims
Onus on enemy to prove his license.
 (*The Troija*, 1854; 1 Sp. and Adm. Rep. 342; *The Marie Glaesar*, 1914, 13 T. L. R. 469; *Sylvestre’s Case*, 1703, 7 Mod. Rep. 150.)

This onus is recognised in the old Act of Geo. III, C. 80 (1794) by throwing on the party claiming the benefit of any license the proof of compliance with the terms of the license.

If on the outbreak of war an alien belonging to the enemy State is allowed to reside in our dominions with the license and permission of the Crown, he has the same rights and privileges as an alien friend (*Wells v. Williams*, 1698, 1 Salk, 46): but merely being at large in the Kingdom unmolested by the English Government is not sufficient, for the Government may not know of the enemy's presence in the country, and he must produce either a protection to him as an alien enemy or show in some way that his stay has been sanctioned by the King after the commencement of hostilities (*Boulton v. Dobree*, 1808, 2 Camp. 163).

In British India no alien enemy is allowed to sue in the Courts, whether he resides in British India or in a foreign country, unless his residence in British India is with the permission of the Governor General in Council, in which case he can sue as if he were a subject of His Majesty. (See Sec. 83 of the Civil Procedure Code).

Every person residing in a foreign country, the Government of which is at war with the United Kingdom of Great Britain and Ireland, and carrying on business in that country without a license in that behalf under the hand of one of His Majesty's Secretaries of State or of a Secretary to the Government of India, shall be deemed to be an alien enemy residing in a foreign country for the purposes of the rule that no alien enemy residing in a foreign country shall sue in our Courts. (*idem*).

Coming to licenses of the second class it is to be noticed that a license to a British subject to trade with an enemy country may perhaps for the purpose of the license allow a residence in enemy territory (*Ex parte Baglehole*, 1872, 1, Rose 271).

If a license is granted legalising trading with an enemy's country subject to qualifications, the party seeking to protect himself under such license must conform to the requisitions of it. So if a bond for due exportation is to be given as required by the license, the failure to give the bond makes the exportation illegal. If the license is further limited in time it is not sufficient if the goods were shipped before the expiry of the time, the ship not sailing till afterwards (*Vandyck v. Whitmore*, 1801, 1 East 475). If a license be granted to allow goods to be brought from the enemy's country in his ships into our colonial ports, this incidentally legalises an insurance of the enemy's ship as well as the goods on board (*Kensington v. Inglis*, 1807, 8 East, Rep. 273). But the Proclamations during the present war prohibiting insurance should not be lost sight of in this connection. (Vide Appendix IV.) In another case it was broadly stated that if a license to import goods be given there is a right to insure them and to sue to enforce the insurance contract (*Morgan v. Oswald*, 1812, 3 Taunt, S. 54; see also *Flindt v. Scott*, 1814, 5 Taunt, 674).

Yet an older case, cited in the last mentioned case, shows that a trading license from the Crown to British merchants to send a ship in ballast to an enemy's port, there to receive and load a cargo, and import it into this country, by legalising the purchase by the subject, legalises the sale by the enemy and impliedly legalises the vendor enemy's right to stop the goods *in transitu* after their arrival in port here, upon the intermediate insolvency of the vendees (*Fenton v. Pearson*, 15 East. 419).

Licenses of the above types can be divided into (1) general, (2) special, (3) express, or (4) implied licenses.

An early example of a general license may be found in the case of *Clemonston v. Blessigg* [1855, (1) General Licenses. 11 Exch. 135] as to an Order in Council allowing Russian merchant vessels to load their cargoes in and depart from the ports of the United Kingdom before expiry of a fixed period.

In India during the present war instances of a general license can be found in the Notification of the 28th November 1914 made under the Hostile Foreigners (Trading) Order authorising the carrying on of trade or business in British India of companies satisfying certain conditions (vide Appendix V), as also in the Notification of the 13th February 1915 as to a class of persons—otherwise hostile foreigners—permitting them to trade or do business in British India (Vide Appendix V). Under the Trading with the Enemy Proclamation No. 2, the Governor General has also issued a general license to British subjects as to obtaining release of their cargoes on enemy ships in neutral ports. (See Notification No. 1428 W. of the 12th December 1914, Appendix IV). There are also instances of general licenses by the Governor General to be found in regard to payments in respect of patents and trade marks. (Vide Appendix IV.)

An example of this class of license appears in the report of *Feize v. Thompson*, [1808, 1 Taunt, (2) Special Licenses. 121] which proceeds to lay down that a license from the King to a party to import in neutral ships goods being the property of the party from an enemy's country cannot be assigned, the objection being that if delegation of the permission is allowed to others the trade would be carried on by persons whom the Crown does not know. (See also *Buck v. Bell*, 1812, 16 East. 3).

Special licenses are referred to in clause 8 of the Trading with the Enemy Proclamation No. 2 of the 9th Septem-

ber 1914 (vide Appendix IV), and special licenses in India are issuable under clause 4 (1) of the Hostile Foreigners (Trading) Order, 1914 (vide Appendix V).

For an early instance of this class of license
 (3) Express licenses. see the case of *Clemonston v. Blessig* (supra).

The leading case on this rather unusual kind of
 (4) Implied licenses. license lays down that there may, apart from formal protection under the great seal, be a protection arising from situations, and that a prisoner at war is under the protection of the King. (*Sparenburgh v. Bannalyne*, 1797, 1 Bos. and P. 163 at p. 171).

Licenses in favour of those for whom they were made
 Construction of licenses. should be construed liberally, but the interpretation must be confined to the words of the document and not travel beyond it. (*The Phoenix*, 1854, 1 Sp. and Adm. Rep. 306 at p. 310).

A commercial license is not at all like a grant of property from the King and the reason for a liberal construction lies in the fact that this species of license has been considered as used to carry on a very great part of the trade of the country, and unless it were so carried on, a very great part of the trade must be lost, and for preserving it, the licenses ought to be construed liberally (*Morgan v. Oswald*, 1812, 3 Taunt. 554, at p. 567). These licenses to trade are, to adopt the language of Thomson C. B., "now in all Courts construed more liberally and favourably" "to trade, in order to effectuate the benefits intended to result from them." (*Flindt v. Scott*, 1814, 5 Taunt, 674 at p. 697).

The terms of a license must however be strictly complied with (*Camelo v. Britten*, 1820, 4 B. and A. Rep. 184; and see *Vandyck v. Whitmore*, and *Kensington*

v. *Inglis*, cited *supra*). A mere misdescription of the grantee, due to a representation not intended to operate as a deceit on the Secretary of State, will not vitiate the license (*Lemeke v. Vaughan*, 1824, 8 Mod. Rep. 646 at p. 664).

In an old case (*Robinson v. Touray*, 1813, 1 Man and S. 217) where a license was granted in these terms:—"In pursuance of an Order of Council, specially authorising the grant of this license, a duplicate of which Order of Council is hereunto annexed, I do hereby grant this license for the purpose set forth in the said Order of Council to Henry Siffken, and do hereby permit a vessel, bearing any flag except the French, to proceed," etc.—it was held that the license was not specifically to Siffken, or to any other person, to import, but for any ship, except a French flag, to import, so that although the goods imported were the property of an enemy, the rule which had been granted on that ground was discharged.

In another case (*Siffken v. Allnutt*, 1813, 1 Man. and S. 39), where a license was granted in respect of the carriage of cargo by sea on an outward and homeward voyage within a fixed period and the time had expired, Lord Ellenborough remarked: "The license, by having fixed a terminus *a quo* and *ad quem* in respect of time, certainly contemplated as speedy a prosecution of the voyage as the nature of it would admit. It may be a fit question, therefore, for a jury, whether due speed has been used; for although the license is not so peremptory, in respect of the period fixed by it, as to require a strict and literal compliance, yet it must be conformed to as nearly as possible."

In *Hagedorn v. Reid*, (1813, 1 Man and Sel. 567) a license was granted to the Plaintiff, a London merchant, on behalf of himself and other British or neutral mer-

chants to import a cargo from certain specified limits in any vessel bearing any flag except the French. On an action on a policy of insurance upon the ship that carried the licensed cargo the insurable interest was declared to be in the Plaintiff and another party as also in one Schroeder domiciled at the time in a Danish hostile port, and it was argued that the license did not extend to cover the interest, being in terms expressly restrained to a British or neutral interest, but Lord Ellenborough held that the only restraint imposed was that the ship should not bear the French flag, and refused the rule to non suit.

In another case to recover on a policy of insurance on goods on board a ship, the Plaintiff was licensed on behalf of himself and neutral merchants to export on the vessel a specified cargo. The Plaintiff was partly interested in the cargo and certain enemy subjects interested in a proportion. The question as to whether the license extended to protect the whole property, or only a part, was answered by Lord Ellenborough, who held that the enemy interest was not covered by the license, but that the license was good as to the rest. It was however remarked that had there been a partnership amongst all the parties in the entire cargo, the result might have been different. (*Hajedorn v. Bazett*, 1813, 2 Man. and Sel. 100).

The form of license in these last cited cases in Maull and Selwyn's Reports were frequently before the Courts and decisions were given on them not at all times uniform. Lord Ellenborough took as his guide in a later case (*Rucker v. Ausley*, 1816, 5 Man. and Sel. 25) that these licenses should be construed according to their intention, and he held that the licensing of the adventure in the suit being to a hostile region, in a hostile ship, was intended to protect a hostile cargo, and that the license therefore legalised the voyage.

In a recent case in England a Bank with a head office in Berlin and a Branch in London had obtained a license, providing for the completion of transactions of a Banking character entered into before August 5th, 1914, so far as those transactions would in ordinary course have been carried out through or with the London establishment. The license provided that subject to the satisfaction of the liabilities of the London Branch the assets were to be in the possession of and under the control of the Treasury. The Plaintiffs in the action had a banking account with the Bank in Berlin which had refused to pay cheques drawn by the Plaintiffs on them before the war. The Plaintiffs had sued to recover the amount due to them and had obtained judgment. The Plaintiffs had then issued a *fi. fa.* and the sheriff had seized goods of the Defendants at their London Branch. An application was then made to stay further proceedings under the writ of *fi. fa.* It was held that no execution against the assets could be allowed which would diminish the assets coming to the Treasury, and that the transaction in question did not come within the first provision of the license. (*Leader v. Direction Der Disconto Gessellschaft*, 1915, 3 K. B. 154).

It being within the power of the Sovereign to partly suspend the operation of war by allowing for proper reasons a commercial intercourse, it is equally in the power of the Sovereign to revoke such licenses as he may be pleased to grant.

If there be an absence of license, then the property of the alien enemy may be seized for the use of the Crown. (*Wells v. Williams*, 1697, 1 Salk. 45).

CHAPTER VII.

PENALTIES AND PUNISHMENT FOR TRADING WITH THE ENEMY.

It will have been seen that adhering to the King's enemies in the realm, giving them aid and comfort in the realm or elsewhere is treason under the famous Treason Act of 1351, which still forms the foundation of the law of treason.

In the law of treason the doctrine is that all are principals. Inciting to treason makes the inciting party himself guilty of treason (*R. v. Meagher*, 1848, 7 St. Tri. N. S., 1101; *R. v. M'Cafferty*, 1867, 10 Cox C. C., 604).

The old sentences for this offence were barbarous in the extreme, and were gradually replaced by more civilised punishments.

Turning to the punishments and penalties provided by the present war legislation, it will be seen that in India the principal enactment that provides for the punishment of persons contravening any Proclamation or Order in Council of His Majesty the King Emperor relating to trade, commercial intercourse or other dealing with enemies, is the Commercial Intercourse with Enemies Ordinance, 1914, Ordinance VI of 1914 promulgated on the 14th October 1914.

Indian legisla-
tion as to penal-
ties for trading
with the enemy.

It refers to Proclamations or Orders in Council that are for the time being in force, and was made in exercise of the powers conferred by Section 23 of the Indian Councils Act, 1861.

Section 3 of the Ordinance at first only provided for the contravention of the provisions of the Proclamations and Orders in Council by prescribing a maximum period of three years' imprisonment, or fine or both. As it stood "attempts" were not provided for, but on the 1st October 1915 Act No. 15 of 1915, the Enemy Trading Act, 1915, by Section 14 extended the law to cover the case of "attempts," and this extension is made to have retrospective effect from the 14th October 1914—the date of the passing of the main Ordinance.

Section 4 of the Ordinance is framed to deal with the commission of the offence, by a company, association or body of individuals, making every member or officer of such, who is knowingly a party to such offence, liable as an offender.

Section 2 of the Ordinance prohibits the contribution to, or participation, or assistance in, the floating of any loan to an enemy State, and monetary or other contractual dealings with the Government of such State, or otherwise to aid, abet or assist such Government. A contravention of any of these provisions makes the offender punishable as if he had committed the offence of waging war as provided for in Sec. 121 of the Indian Penal Code.

The Ordinance provides the procedure for the trial of offences thereunder. No Court shall have jurisdiction to entertain the trial save upon complaint made by order of, or under the authority of, the Governor General, the Local Government, or officer empowered by the Governor General, in this behalf.

Offences as to trading or commercial intercourse are made triable by Presidency Magistrates or Magistrates of the First Class, while the Court of Sessions alone has

jurisdiction to try offences as regards the flotation of loans for enemy Governments.

By Ordinance III of 1914, the Foreigners' Ordinance Act, as amended, provides penalties extending to 3 years' imprisonment, fine, or both, for foreigners who contravene or attempt to contravene the provisions of any order made by the Governor General prohibiting or regulating the trade of foreigners in British India, and also provides for offences by companies, associations, etc.

In England it is to be noticed that as early as the 18th September 1914, provision with respect to penalties for trading with the enemy was made by 4 and 5 Geo. V, C. 87, affecting offences from the 4th August 1914, either as prohibited by Proclamation or which at common law or by statute constituted the offence of trading with the enemy. The English Statute also provided for the case of offences by companies, associations, etc. An amending Act (5 Geo. V, C. 12) *inter alia*, extended the principal Act to "attempts" in the widest language ("attempts, or directly or indirectly offers or proposes or agrees") as and from the 4th August 1914. It is to be noticed that the Indian legislation has apparently no further retrospective effect than the 14th October 1914, unlike the English legislation which dates back to the outbreak of war.

Punishments
provided for
foreigners.

English enact-
ments provid-
ing Penalties for
trading with the
enemy, etc.

APPENDIX I.

NOTIFICATIONS OF WAR

BETWEEN

GREAT BRITAIN

AND

- (1) GERMANY,
- (2) AUSTRIA-HUNGARY,
- (3) TURKEY AND
- (4) BULGARIA,

AND BETWEEN

JAPAN

AND

- (5) GERMANY.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 5th August 1914.

*No. 4478.—The following Proclamation published in an extraordinary issue of the *Gazette of India* on the 5th August 1914 is republished for general information :—

“I, CHARLES, BARON HARDINGE OF PENSHURST, Governor General in India, and *ex officio* Vice Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that War has broken out between His Majesty and Germany.”

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,

Secretary to Government.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 14th August 1914.

†No. 246-W.—The following Proclamation published in an *Extraordinary* issue of the *Gazette of India* on the 13th August 1914 is republished for general information :—

“I, CHARLES, BARON HARDINGE OF PENSHURST, Governor General of India, and *ex officio* Vice Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that War has broken out between His Majesty and Austria-Hungary.”

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,

Secretary to Government.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 27th August 1914.

‡No. 651-W.—The following notification by the Government of India, Foreign and Political Department, is republished :—

“No. 202-W., dated Simla, the 24th August 1914.

It is hereby notified for general information that the Imperial Government of Japan has declared that a state of war exists between Japan and Germany.

(Sd.) P. Z. COX,

Secretary to the Government of India.”

*Published in Bom. G. G. Extraordinary, Aug. 5th, 1914, Part I, p. 1784. See also *Gazette of India*, 1914, Part I, pp. 1294 and 1297.

†Published in Bom. G. G. Extraordinary, Aug. 14th, 1914, Part I, p. 1901. See also *Gazette of India*, 1914, Part I, pp. 1332 and 1336.

‡Published in Bom. G. G. Extraordinary, Aug. 27th, 1914, Part I, p. 2038. See also *Gazette of India*, 1914, Part I, p. 1377.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 2nd November 1914.

*No. 2492-W.—The following notification published in an extraordinary issue of the *Gazette of India* on the 1st November 1914, is republished for general information :—

It is hereby notified for general information that War has broken out between His Majesty and Turkey.

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,
Secretary to Government.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 21st October 1915.

†No. 7296-W.—The following notification by the Government of India, Home Department (Political), is republished :—

No. 3531, dated Simla, the 18th October 1915.

The following Proclamation by His Excellency the Governor General, dated the 17th October, 1915, is published for general information :—

PROCLAMATION.

“ I, CHARLES, BARON HARDINGE OF PENSHURST, Governor General of India and *ex officio* Vice-Admiral therein, being satisfied thereof by information received by me, do thereby proclaim that war has broken out between His Majesty and Bulgaria.”

HARDINGE OF PENSHURST.

(Sd.) S. R. HIGNELL,

for Secretary to the Government of India.

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,
Secretary to Government

*Published in Bom. G. G. Extraordinary, Nov. 2nd, 1914, Part I, p. 2593. See also Gazette of India Extraordinary, 1st, Nov. 1914. For the *Proclamation to the same effect* on the 6th Nov. 1914, vide Gazette of India, Part I, p. 1762.

†Published in Bom. G. G. Extraordinary, Oct. 21st, 1915, Part I, p. 2610. Vide also Bom. G. G. Extraordinary, Oct. 19th, 1915, p. 2576c.

APPENDIX II.

CONTAINING

- (1) ACT I OF 1915, THE EMERGENCY LEGISLATION CONTINUANCE ACT, 1915.
- (2) ORDINANCE III OF 1914.
- (3) ORDINANCE VI OF 1914.
- (4) ORDINANCE VII OF 1914.
- (5) ORDINANCE VIII OF 1914.
- (6) ACT XIV OF 1915, THE ENEMY TRADING ACT, 1915.

AND

NOTIFICATIONS ISSUED THEREUNDER.

ACT No. I OF 1915.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 12th January, 1915.]

An Act to continue in force the provisions of certain Ordinances.

WHEREAS the Ordinances mentioned in the Schedule are temporary in their duration and in virtue of section 23 of the Indian Councils Act, [24 & 25 Vict., c., 67,] 1861, are limited to expire within the period of six months from their promulgation; and,

Whereas owing to the state of war existing between His Majesty the King Emperor and certain foreign Powers, it is expedient to provide for the continuance as in this Act mentioned of the provisions contained in those Ordinances; It is hereby enacted as follows:—

1. This Act may be called the Emergency Legislation Continuance Short title. Act, 1915.

2. The provisions of the Ordinances mentioned in the Schedule shall have effect as if they had been enacted by the Governor General in Council and shall be in force during the continuance of the present war and for a period of six months thereafter:

Provided that the Governor General in Council may by notification in the Gazette of India direct that any provision in any of the said Ordinances shall cease to be in force at any earlier date which may be specified in such notification.

SCHEDULE.

(SEE SECTION 2.)

Ordinances made by the Governor General of India under section 23 of the Indian Councils Act, 1861.

Year.	Number.	Short title.
1914	I	The Indian Naval and Military News (Emergency) Ordinance, 1914.
"	II	The Impressment of Vessels Ordinance, 1914.
"	III	The Foreigners Ordinance, 1914.
"	IV	The Indian Volunteers Ordinance, 1914.
"	V	The Ingress into India Ordinance, 1914.
"	VI	The Commercial Intercourse with Enemies Ordinance, 1914.
"	VII	The Foreigners (Amendment) Ordinance, 1914.
"	VIII	The Foreigners (Further Amendment) Ordinance, 1914.
"	IX	The Articles of Commerce Ordinance, 1914.

ORDINANCE No. III OF 1914.

[20th August, 1914.]

An Ordinance to provide for the exercise of more effective control over foreigners in British India.

[Published in the Gazette of India, Extraordinary of the 20th August, 1914.]

WHEREAS an emergency has arisen which makes it necessary to provide for the exercise of more effective control over foreigners in British India ;

Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, [24 & 25 Vict., c. 67,] 1861, the Governor General is pleased to make and promulgate the following Ordinance :—

Short title and extent. 1. (1) This Ordinance may be called the Foreigners Ordinance, 1914.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas, the District of Angul, the Shan States and the Pargana of Spiti.

2. In this Ordinance—

Definitions.

(a) “foreigner” has the same meaning as in the Foreigners Act, [III] 1864 ;

(b) “prescribed” means prescribed by rules made under this Ordinance.

3. (1) The Governor General in Council may by order†—

Power to prohibit or regulate entry, departure and residence of foreigners.

(a) prohibit, or regulate and restrict in such manner as he thinks fit, the entry of foreigners into British India and their departure from British India ; and

(b) regulate or restrict in such manner as he thinks fit the liberty of foreigners residing or being in British India.

(2) In particular and without prejudice to the generality of the foregoing power, orders under sub-section (1) may provide—

(a) that no foreigner shall enter into or depart from British India, save within such period and by such route, or by such port or place as may be specified in such order ;

(b) that foreigners shall be prohibited from entering or remaining in any specified area in British India or shall only be permitted to enter or remain in British India or any specified area therein subject to such conditions and restrictions as the Governor General in Council may impose ; ‡

*Kept in force as long as the war lasts and for six months thereafter by Act I of 1915, *vide supra*.

†For such an order see Department of Commerce and Industry's Notification No. 807-W., dated 14th November, 1914, and Notification No. 1296-W., dated 28th November, 1914.

‡The word “and” was omitted by section 2 (a) of the Foreigners (Amendment) Ordinance, 1914 (VII of 1914), *infra*.

- (c) that foreigners residing or being in British India shall remove themselves to and remain in any specified area, or if such an order is necessary for the public safety, or in the interests of the State, that such foreigners shall be arrested and interned or confined in such manner as the Governor General in Council may think fit; * and

- *(d) that foreigners residing or being in British India, shall be prohibited from carrying on trade or business or from dealing with any property, moveable or immovable, or shall only carry on trade or business, subject to such conditions and restrictions as the Governor General in Council may impose or shall deal with any such property in such manner as the Governor General in Council may direct.

†3A. The power conferred by section 3 may be exercised, so far as the same may be applicable, in respect of any company or association, or body of individuals, whether incorporated or not, of which any member or officer is a foreigner [† or of which a foreigner was, on the 3rd day of August, 1914, a member or officer] and which has an office, agency or place of business in British India.

Power as to
Companies and
Associations.

4. § (1) Any [person] ** who contravenes or attempts to contravene the provisions of any order made under section 3, shall be punished with imprisonment of either description for a term which may extend to ††[one year], or with fine,

Penalties,

or with both.

††(2) Where a company, association, or body of individuals has done any act which is an offence under sub-section (1), every member or officer of such company, association or body who is knowingly a party to such act, shall be deemed to have committed an offence under the said sub-section.

5. (1) The Governor General in Council or any Local Government may, by notification in the Gazette of India, or the local official Gazette, as the case may be, direct that, within any area specified in such notification, every householder in whose house a foreigner is residing either temporarily or permanently shall forthwith report to the prescribed authority in the prescribed manner, the name of such foreigner, and such other particulars respecting him and the period of his residence in such house as may be prescribed.

Householder to
report residence
of any foreigner
in his house to
prescribed authority
in specified
areas.

* The word "and" and clause (d) were added by section 2 (b) of the Foreigners No. 807-W., dated 14th November, 1914, and Notification No. 1296-W., dated 28th November, 1914.

† Section 3A was inserted by section 3.

‡ These words were added by section 2 of the Foreigners (Further Amendment) Ordinance, 1914 (VIII of 1914).

§ Section 4 renumbered by section 4 (1) of the Foreigners (Amendment) Ordinance 1914 (VII of 1914).

** This word was substituted for the word "foreigner" by section 4 (1). 24.

†† The words "one year" were substituted for the words "three years" by s. 2 (3) of Ordinance No. V of 1914.

‡‡ This sub-section was added by section 4 (2) of the Foreigners (Amendment) Ordinance, 1914 (VII of 1914).

(2) Any householder who fails to comply with the provisions of any notification issued under sub-section (1) shall be punished with imprisonment of either description for a term which may extend to *[one month], or with fine which may extend to five hundred rupees, or with both.

6. Where under the provisions of this Ordinance the Governor General in Council or any Local Government is authorised to make any order or issue any notification in respect of foreigners, such order may be made or such notification issued in respect of foreigners generally or in respect of any class or description of foreigners, or in respect of any individual foreigner, and different orders or notifications may be made or issued in respect of different classes of foreigners.

Orders under Ordinance may be general or special.

7. (1) The Governor General in Council may make rules for the purpose of carrying into effect the provisions of this Ordinance :

In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(a) the authority to whom and the manner in which, reports under section 5 shall be made and the particulars to be stated therein ; and

(b) the manner in which orders under this Ordinance shall be enforced.

(2) All rules made under this section shall have effect as if enacted in this Ordinance.

8. The Governor General in Council or the Local Government may at any time rescind or modify any order, rule or notification made or issued under this Ordinance, and the Governor General in Council may delegate, subject to such conditions and restrictions as he thinks fit, all or any of his powers under this Ordinance to any civil or military authority in British India either by name or in virtue of his office.

Power to rescind or modify rules or orders.

9. Nothing in this Ordinance shall be deemed to affect or derogate from any power which may be exercised under the Foreigners Act, [III] 1864, or under any other law for the time being in force in respect of foreigners generally or in respect of foreigners who are subjects of a State which is at war with His Majesty.

Saving of powers under existing law.

10. The Governor General in Council may exempt, either absolutely or conditionally, any foreigner or any class or description of foreigners from all or any of the provisions of this Ordinance.

Power of exemption.

11. No order made under section 3 of this Ordinance shall be called in question in any court.

Bar of jurisdiction of Courts.

HARDINGE OF PENSHURST,

Viceroy and Governor General.

* The words " one month " were substituted for the words " six months " by s. 2 (3) of Ordinance No. V of 1914.

ORDINANCE No. VI OF 1914.

[14th October, 1914.]*

An Ordinance to prohibit financial and other dealings with any State at war with His Majesty and to provide for the punishment of persons contravening any Proclamation or Order in Council of His Majesty the King-Emperor, relating to trade, commercial intercourse or other dealings with His Majesty's enemies.

[Published in the Gazette of India Extraordinary of the 14th October, 1914.]

WHEREAS an emergency has arisen which makes it necessary to prohibit financial and other dealings with any State at war with His Majesty and to provide for the punishment of persons contravening the provisions of any Proclamation or Order in Council of His Majesty the King-Emperor, for the time being in force, relating to trade, commercial intercourse or other dealings with His Majesty's enemies;

Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, [24 & 25 Vict., c. 67.], 1861, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Commercial Intercourse Short title and extent, with Enemies Ordinance, 1914.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas, the District of Angul, the Shan States and the Pargana of Spiti; and it applies also to—

(a) all British and Native Indian subjects of His Majesty within the territories of any Native Prince or Chief in India; and

(b) all servants of His Majesty, whether British subjects or not, within the territories of any Native Prince or Chief in India.

2. (1) During the continuance of a state of war between His Majesty and any State, it shall not be lawful to contribute to, or participate in, or assist in, the floating of any loan raised by or on behalf of the Government of such State, or to advance money to, or enter into any contract or dealings with, or otherwise to aid, abet or assist the Government of such State.

(2) Any person contravening the provisions of this section shall be punishable as if he had committed an offence under section 121 [Act XLV of 1860] of the Indian Penal Code.

3. During the continuance of a state of war between His Majesty and any State, any person who contravenes any of the provisions of any Proclamation or Order in Council of His Majesty, for the time being in force, relating to trade, commercial intercourse or other dealings with any subject of such State, or any person residing, carrying on business or being in the territories, colonies or dependencies of such State, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

*Kept in force as long as the war lasts and for six months thereafter by Act I of 1915 (Part I).

Applied to Berar by Notification No. 999D, dated 22nd Feb. 1915. See Gazette of India, 1915, Part I, page 346, and Appendix IV, post.

4. Where a company, association or body of individuals, whether incorporated or not, has done any act which is an offence under this Ordinance, every member or officer of such company, association or body, who is knowingly a party to such act, shall be deemed to have committed such offence.

5. A certificate signed by a Secretary to the Government of India, or by any officer of Government authorised in this behalf by the Governor General in Council, certifying to the fact that on the date specified in such certificate any State was or was not at war with His Majesty, shall be conclusive evidence of such fact.

6. Nothing in this Ordinance shall be deemed to prohibit anything done by command of, or under license granted by or under the authority of His Majesty or the Governor General.

(1) No Court shall proceed to the trial of any offence under this Ordinance unless upon complaint made by order of, or under the authority of the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

(2) No Court inferior to a Court of Session shall try any offence punishable under section 2, and no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence punishable under section 3.

HARDINGE OF PENSHURST,

Viceroy and Governor General.

(Sd.) W. H. VINCENT,

Secretary to the Government of India.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,

Acting Chief Secretary to Government.

ORDINANCE No. VII OF 1914.

[14th October, 1914.]*

An Ordinance to amend the Foreigners Ordinance, 1914.

[*Published in the Gazette of India Extraordinary of the 14th October, 1914.*]

WHEREAS an emergency has arisen which makes it necessary to amend the Foreigners Ordinance [III] 1914;

Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, [24 & 25 Vict., c. 67], 1861, the Governor General is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Foreigners (Amendment) Ordinance, 1914.

*Kept in force as long as the war lasts and for six months thereafter by Act I of 1915. Applied to Berar on 22nd Feb. 1915. See Gazette of India Part I, p. 346, and Appendix IV, post.

2. In section 3, sub-section (2), of the Foreigners Ordinance [III] 1914, Amendment of hereinafter called "the said Ordinance," the following sec. 3, Foreigners Ordinance, 1914. amendments shall be made, namely—

(a) in clause (b), the word "and," where it occurs for the second time, shall be omitted ; *

(b) after clause (c), the following shall be added, namely :—
"and

(d) that foreigners residing or being in British India, shall be prohibited from carrying on trade or business or from dealing with any property, moveable or immoveable, or shall only carry on trade or business, subject to such conditions and restrictions as the Governor General in Council may impose, or shall deal with any such property in such manner as the Governor General in Council may direct." *

3. After section 3 of the said Ordinance the following section shall be inserted, namely—

Insertion of new section after section 3.
Power as to Companies and Associations.
"3A. The power conferred by section 3 may be exercised, so far as the same may be applicable, in respect of any company or association, or body of individuals, whether incorporated or not, of which any member or officer is a foreigner and which has an office, agency or place of business in British India."

4. (1) Section 4 of the said Ordinance shall be renumbered section 4, Amendment of sub-section (1), and in the said sub-section as renumbered, section 4, For- for the word "foreigner" the word "person" shall eigners Ordin- be substituted. ance, 1914.

(2) After section 4 (1) as renumbered, the following sub-section shall be added, namely :—

"(2) Where a company, association, or body of individuals has done any act which is an offence under sub-section (1), every member or officer of such company, association or body, who is knowingly a party to such act, shall be deemed to have committed an offence under the said sub-section."

HARDINGE OF PENSHURST,
Viceroy and Governor General.

ORDINANCE No. VIII of 1914.

[14th November, 1914.]†

An Ordinance further to amend the Foreigners Ordinance, 1914.

[Published in the Gazette of India Extraordinary of the 14th November, 1914.]

WHEREAS an emergency has arisen which makes it necessary further to amend the Foreigners Ordinance, 1914 ;

Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, [24 & 25 Vict., c. 67,] 1861, the Governor General is pleased to make and promulgate the following Ordinance :—

*Ante, p. 160.

†Kept in force as long as the war lasts and for six months thereafter by Act I of 1915 (Part I). Applied to Berar. See Gazette of India, 1915, Part I, p. 345 Appendix IV, post, on the 22nd Feb. 1915.

1. This Ordinance may be called the Foreigners (Further Amendment) Short title. Ordinance, 1914.

2. In section 3A of the Foreigners Ordinance [III] 1914 as amended by the Foreigners (Amendment) Ordinance [VII] 1914, after the word "foreigner" the following words shall be inserted, namely :—

Amendment of section 3A of the Foreigners Ordinance, 1914. "or of which a foreigner was, on the 3rd day of August, 1914, a member or officer."*

HARDINGE OF PENSHURST, *
Viceroy and Governor General.

NOTIFICATIONS UNDER THE COMMERCIAL INTERCOURSE WITH ENEMIES ORDINANCE, 1914 (VI OF 1914).

No. 1674-W., dated the 12th December, 1914.—In pursuance of section 5 of the Commercial Intercourse with Enemies Ordinance, 1914 (VI of 1914), the Governor General in Council is pleased to authorise the Chief Secretary to the Government of Bombay to sign certificates for the purposes of the said section.

Department of
Commerce and
Industry.

See Gazette of India, 1914, Part I, page 2070.

No. 13574-W., dated the 14th August, 1915.—In pursuance of section 5 of the Commercial Intercourse with Enemies Ordinance, 1914 (VI of 1914), the Governor General in Council is pleased to authorise the Chief Secretary to the Government of Madras to sign certificates for the purposes of the said section.

Department of
Commerce and
Industry, Com-
merce and Trade

See Gazette of India, 1915, Part I, page 1060.

ACT No. XIV OF 1915.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on 1st October, 1915.]

An Act to provide facilities for payment to a public authority of certain moneys,† the payment of which is, or may be, prohibited owing to the present war and to provide for other matters in connection with trading with foreigners.

WHEREAS it is expedient to provide facilities for the payment to a public authority of certain moneys,† the payment of which is, or may be, prohibited by, or under the provisions of, any Proclamation or Order in Council of His Majesty for the time being in force, relating to trading, commercial intercourse, or other dealings with subjects of States at war with His Majesty, and to afford like facilities in the case of moneys† due to certain classes of foreigners, and to extend the law relating to the contravention of the provisions of any such Proclamation or Order in Council, and to make further provisions as to dealings with foreigners; It is hereby enacted as follows :—

*Vide ante at p. 165.

†See notes hereon in Chapter V under the Hostile Foreigners Trading Order.

Short title,
extent and
duration.

1. (1) This Act may be called the Enemy Trading Act, 1915 ;

(2) It extends to the whole of British India, including the Sonthal Parganas ; and

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter

Definitions.

2. In this Act,—

“custodian” means a custodian of enemy property appointed under this Act ;

“Enemy Trading Proclamation” means any Proclamation or Order in Council of His Majesty for the time being in force, relating to trading, commercial intercourse or other dealings with subjects of States at war with His Majesty ;

“foreigner” has the same meaning as in the Foreigners Act [III] 1864 ;

“prescribed” means prescribed by rules made under this Act.

3. (1) The Governor General in Council shall appoint so many persons, as he thinks fit, to act as custodians for the whole or any part of British India for the purpose of receiving, holding and dealing with such money* as may be paid to them in pursuance of this Act.

(2) Custodians shall, subject to the provisions of this Act, have such powers and duties, with respect to the money held by them in their capacity as custodians, as may be prescribed.

(3) If any question arises as to the custodian to whom any money may be paid under this Act, the question shall be determined by the Governor General in Council.

4. (1) Any sum, by way of dividends, interest or share of profits,* the payment of which to, or for the benefit of, any person is prohibited by or under any Enemy Trading Proclamation may, subject to the provisions of section 7, be paid by the person by whom it would have been payable, if a state of war had not existed, to the custodian to hold subject to the provisions of this Act.

(2) Where, before the commencement of this Act, any such sum has been paid into any account with a bank, or has been paid to any other person in trust, the bank or other person may pay the same to the custodian to hold as aforesaid.

(3) On such payment the bank or other person shall be exempt from all liability in respect of such payment.

5. Where, by or under any enactment for the time being in force relating to foreigners, any person is absolutely prohibited from carrying on, or engaging in, any trade or business, or from receiving any money, any sum payable to, or for the benefit of, such person in the way of his trade or business,* or any such money may, subject to the provisions of section 7, be paid by the person by whom it is payable, to the custodian to hold subject to the provisions of this Act.

* See notes hereon in Chap. V under the Hostile Foreigners Trading Order.

6. Any person paying money to a custodian under the provisions of section 4 or section 5 shall, at the same time, furnish such particulars in regard to the payment as the custodian, subject to any rules prescribed in this behalf, may require; until such particulars have been furnished to the satisfaction of the custodian, the custodian shall not grant a receipt for such money.

7. (1) The custodian may refuse to receive any money on the ground that it is not money to which the foregoing provisions of this Act apply or, with the sanction of the Local Government, for any other reason.

Power to refuse payments, and to decide whether payment is one to which the Act applies.

(2) In the event of any question arising as to whether any money is money to which the foregoing provisions of this Act apply, the decision of the custodian on the question shall be final.

8. Where any money is paid to a custodian under the foregoing provisions of this Act, the receipt of such custodian, or any person duly authorised by him to sign receipts on his behalf for any such money, shall be a good discharge to the person paying the same as against the person in respect of whom the money was paid to the custodian.

Receipt of the custodian to be good discharge.

9. (1) The custodian shall hold and deal with any money paid to him under this Act in accordance with such directions as he may receive from the Governor General in Council.

(2) Money held by the custodian under this Act shall not, save as may be otherwise prescribed, be liable to be attached or otherwise taken in execution of a decree.

(3) The custodian shall keep a register of all money held by him under this Act, which register shall be open to public inspection at such reasonable times as he may direct.

10. No suit or other proceeding shall lie against a custodian for anything done, or intended to be done, in good faith under this Act or any rule made thereunder.

Protection of custodians.

11. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for carrying into effect the provisions of this Act.

Rule-making power.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) the powers and duties of custodians;

(b) the particulars to be furnished to custodians by persons making payments to them; and

(c) the payment of money in the hands of the custodian in satisfaction of decrees and debts.

(3) All rules made under this section shall have effect as if enacted in this Act.

12. The Governor General in Council may, by notification in the Gazette of India, direct that the provisions of section 4 of this Act, enabling certain moneys to be paid to custodians, shall apply to any payments, the making of which is prohibited by or under any Enemy Trading Proclamation and which are not provided for by that section; and upon such notification, the Act shall be read and construed as if such payments had been included in section 4.

Power to extend provisions of Act to other prohibited payments.

13. (1) The Governor General in Council may, by order in writing, direct that any money which is in, or may come into, the hands of any public officer by or under the provisions of any enactment for the time being in force, relating to foreigners, shall be paid by such officer to such custodian as may be specified in the order.

Power to extend provisions of Act to sums in the hands of public officers under enactments relating to foreigners.

(2) Any money paid to a custodian, in accordance with the provisions of sub-section (1), shall be deemed to be money paid to the custodian in pursuance of this Act, and the provisions of this Act shall apply accordingly.

14. (1) The Governor General in Council may, by order * in writing, prohibit or restrict any person or class of persons from carrying on trade or business with or transferring any property, moveable or immoveable, to any person or class of persons in respect of whom any restriction has been imposed by or under any enactment for the time being in force relating to foreigners.

Power to prohibit by order payments to certain foreigners.

(2) Any person who contravenes or attempts to contravene the provisions of any order made under sub-section (1) shall be punishable with the punishment provided for an offence under section 4 of the Foreigners Ordinance [III] 1914.

(3) The Governor General in Council may, by notification in the Gazette of India, delegate to any Local Government, subject to such restrictions and conditions as he thinks fit, all or any of the powers conferred upon him by this section.

15. Section 3 of the Commercial Intercourse with Enemies Ordinance [VI] 1914, as in force by virtue of section 2 of the Emergency Legislation Continuance Act [I] 1915, shall be read and construed as if after the word "contravenes" the words "attempts, or directly or indirectly offers, proposes or agrees, or has, since the 14th day of October, 1914, attempted or directly or indirectly offered, proposed or agreed, to do any act in contravention of," were inserted.

Amendment of section 3 of Ordinance VI of 1914 as re-enacted by Act I of 1915.

* See Department of Commerce and Industry Notification No. 15956-W., dated 16th October, 1915.

1914

APPENDIX III

CONTAINING IN

CHRONOLOGICAL ORDER

- (1) THE ROYAL PROCLAMATIONS.
- (2) ORDERS IN COUNCIL, AND
- (3) NOTIFICATIONS OF THE GOVERNMENT
OF INDIA

AS TO

CONTRABAND OF WAR.

FROM

3RD AUGUST, 1914, TO 11TH MAY, 1916.

ROYAL PROCLAMATION OF 3RD AUGUST 1914, AS TO ABSOLUTE
CONTRABAND.

NOTIFICATIONS.

REVENUE DEPARTMENT.

Bombay Castle, 8th August 1914.

No. 7370.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 6789, dated Simla, the 5th August 1914.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

WHEREAS by the 8th Section of ‘ The Customs and Inland Revenue Act, 1879,’ it is enacted that WE may, by Proclamation, or Order in Council, prohibit the exportation of arms, ammunition and gunpowder, military and naval stores, and any articles which WE shall judge capable of being converted into, or made useful in, increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men.

AND whereas WE, by and with the advice of our Privy Council, deem it expedient and necessary that WE should exercise such power of prohibition in manner hereinafter appearing.

NOW WE, by, and with, the advice aforesaid, do hereby order and direct that from, and after, the date hereof the following goods, being articles which WE have judged capable of being converted into, or made useful in, increasing the quantity of military or naval stores, that is to say :—

Acetone ;

Aeroplanes, airships, balloons, of all kinds, and their component parts ;

Animals, pack, saddle and draught, suitable for use in war ;

Arms, rifles, of all kinds, and their component parts ;

Benzol ;

Carbons required for searchlights ;

Cartridges, charges of all kinds and their component parts ;

Chrome and ferro-chrome ;

Cloth, hempen ;

Copper, ore or unwrought, of all kinds ;

Cotton waste ;

Cotton suitable for use in manufacture of explosives ;

Creosote ;

Dimethylaniline ;

Engines and lorries, internal combustion, capable of carrying a load of
25 cwt. and upwards, whole, or in parts ;

Ferro-nickel and nickel ;

Fulminate of mercury ;

*Published in Bom. G. G. Extraordinary, Aug. 8th, 1914, Part I, pp. 1794 and 2154.

Gunpowder ;
 Nets, torpedo ;
 Oil, coal tar ;
 Oil, mineral, lubricating ;
 Oil, blast furnace ;
 Oil, fuel ;
 Oil, olive ;
 Petroleum, fuel oil ;
 Petroleum, gas oil ;
 Petroleum, spirit or motor spirit (including shell spirit) ;
 Projectiles, of all kinds, and their component parts ;
 Sacks, coal ;
 Shale ;
 Silk noils ;
 Silk thread suitable for cartridges,
 Silk cloth ;
 Silk braid ;
 Surgical bandages and dressings :
 Toluol ;

shall be, and the same are hereby prohibited to be exported from the United Kingdom.

Given at OUR Court at Buckingham Palace this *third* day of August in the year of OUR LORD, one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Sd.) R. E. ENTHOVEN,

Secretary to the Government of India."

ROYAL PROCLAMATION OF 3RD AUGUST 1914 AS TO ABSOLUTE CONTRABAND.

*Bombay Castle, 15th September 1914.**

No. 8681.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 9182, dated Simla, the 12th September 1914.

In supersession of the notification in this Department No. 6789,† dated the 5th August 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Prohibiting, under section 8 of ' The Customs and Inland Revenue Act, 1879,' the Exportation from the United Kingdom of certain Warlike Stores.

*Published in Bom. G. G., Sept. 17th, 1914, Part I, p. 2154.

†Republished in the Bom. G. G. Extraordinary, Part I, dated the 8th August, 1914.

GEORGE, R. I.

WHEREAS by the 8th section of 'The Customs and Inland Revenue Act, 1879,' it is enacted that WE may, by Proclamation, or Order in Council, prohibit the exportation of arms, ammunition and gunpowder, military and naval stores, and any articles which WE shall judge capable of being converted into, or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men :

AND whereas WE, by and with the advice of OUR Privy Council, deem it expedient and necessary that WE should exercise such power of prohibition in manner hereinafter appearing :

Now WE, by, and with the advice aforesaid, do hereby order and direct that from and after the date hereof the following goods, being articles which WE have judged capable of being converted into, or made useful in increasing the quantity of military or naval stores, that is to say :—

Acetone ;

Aeroplanes, airships, balloons, of all kinds, and their component parts ;

Animals, pack, saddle and draught, suitable for use in war ;

Arms, rifles, of all kinds, and their component parts ;

Benzol ;

Carbons, required for searchlights ;

Chrome and ferro-chrome ;

Cloth, hempen ;

Cartridges, charges, of all kinds and their component parts ;

Copper, ore or unwrought, all kinds ;

Cotton, suitable for use in the manufacture of explosives ;

Cotton, waste ;

Creosote ;

Dimethylaniline ;

Engines and lorries, internal combustion, capable of carrying a load of 25 cwt. and upwards, whole or in parts ;

Fulminate of mercury ;

Gunpowder ;

Nets, torpedo ;

Nickel and ferro-nickel ;

Oil, blast furnace ;

Oil, coal tar ;

Oil, fuel, shale ;

Oil, olive ;

Oil, mineral, lubricating,

Petroleum, fuel oil ;

Petroleum, gas oil ;

Petroleum, spirit or motor spirit (including shell spirit) ;

Projectiles of all kinds and their component parts ;

Sacks, coal ;

Silk cloth, silk braid, silk thread, suitable for cartridges ;

Silk noils ;

Surgical bandages and dressings ;

Toluol ;

Zinc ;

shall be, and the same are hereby prohibited to be exported from the United Kingdom.

Given at OUR COURT at Buckingham Palace, this *third day of August* in the year of OUR LORD, One thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Sd.) R. E. ENTHOVEN,

Secretary to the Government of India."

ROYAL PROCLAMATION OF 4TH AUGUST 1914 AS TO ABSOLUTE AND CONDITIONAL CONTRABAND.

NOTIFICATION.*

POLITICAL DEPARTMENT.

Bombay Castle, 8th August 1914.

No. 54-W.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 6808, dated Simla, the 6th August 1914.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

WHEREAS a state of war exists between Us on the one hand and the German Empire on the other hand and whereas it is necessary to specify the articles which it is OUR intention to treat as contraband of war. Now, therefore, WE do hereby declare by and with the advice of OUR Privy Council that during continuance of the war or until WE do give further public notice the articles enumerated in Schedule 1 hereto will be treated as absolute contraband, and the articles enumerated in Schedule 2 hereto will be treated as conditional contraband.

Given at OUR COURT at Buckingham Palace this [fifth] day of August in the year of OUR LORD, one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

Definition of Contraband of War.

The term 'Contraband of War' only includes articles having belligerent destination and purpose. Such articles are classed under two heads. Absolute contraband and conditional contraband.

*Published in Bom. G. G. Extraordinary, Aug. 8th, 1914, Part I, pp. 1796, 2135

N.B.—The date "fifth" in brackets above is a misprint and should be the "fourth."

Where contraband of war is found on board a vessel, any goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

SCHEDULE 1.

Absolute Contraband.

'Absolute contraband' consists of the following articles as enumerated in the list contained in Article 22 of the Declaration of London, that is to say :—

- (1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts ;
- (2) Projectiles, charges and cartridges of all kinds, and their distinctive component parts ;
- (3) Powder and explosives specially prepared for use in war ;
- (4) Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts ;
- (5) Clothing and equipment of a distinctive military character ;
- (6) All kinds of harness of a distinctively military character ;
- (7) Saddle, draught, and pack animals suitable for use in war ;
- (8) Articles of camp equipment and their distinctive component parts ;
- (9) Armour plates ;
- (10) Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war ;
- (11) Aeroplanes, airships, balloons, and air craft of all kinds and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft ;
- (12) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war materials for use on land or sea.

Articles of absolute contraband are liable to capture as contraband of war when destined to territory belonging to, or occupied by the enemy, or to the fleets or armies of the enemy.

SCHEDULE 2.

Conditional Contraband.

Conditional contraband consists of the following articles as enumerated in the lists contained in Article 24 of the Declaration of London, that is to say :—

- (1) Foodstuffs ;
- (2) Forage and grain, suitable for feeding animals ;
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war ;
- (4) Gold and silver in coin or bullion, paper money ;
- (5) Vehicles of all kinds available for use in war, and their component parts ;

- (6) Vessels, craft, and boats of all kinds, floating docks, parts of docks and their component parts ;
- (7) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraph and telephones ;
- (8) Fuel ; lubricants ;
- (9) Powder and explosives not specially prepared for use in war ;
- (10) Barbed wire and implements for fixing and cutting same ;
- (11) Horseshoes and shoeing materials ;
- (12) Harness and saddlery ;
- (13) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

[Articles of conditional contraband are only liable to capture as contraband of war when shown to be destined for the use of the fleets or armies of the enemy or of a Government department of the enemy State.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,

Secretary to Government.

ORDER OF COUNCIL OF 4TH AUGUST 1914 GRANTING "DAYS OF GRACE" TO ENEMY MERCHANT SHIPS.

NOTIFICATION.

POLITICAL DEPARTMENT.

*Bombay Castle, 6th August 1914.**

ORDER IN COUNCIL FOR THE GRANTING OF "DAYS OF GRACE."

At the Court at Buckingham Palace, the fourth day of August 1914.

Present : The King's Most Excellent Majesty in Council.

His Majesty being mindful, now that a state of war exists between this Country and Germany, of the recognition accorded to the practice of granting "days of grace" to enemy merchant ships by the Convention relative to the Status of Enemy Merchant Ships at the Outbreak of Hostilities, signed at the Hague on the 18th October, 1907, and being desirous of lessening, so far as may be practicable, the injury caused by war to peaceful and unsus-

N.B.—The above did not correctly reprint the text of the Royal Proclamation as indicated in brackets. In the Royal Proclamation no definition of contraband is to be found. The opening and closing paragraphs of the two schedules was also erroneously introduced in the Indian Government republication. In their place should be read instead—Schedule I. "The following articles will be treated as absolute contraband." Schedule II. "The following articles will be treated as conditional contraband."

The Proclamation was subsequently correctly published in India on the 7th Sept. 1914, vide Bom. G. G. Extra., Sept. 10th 1914, p. 2135.

* Published in Bom. G. G., Aug. 6th, 1914, Pt. I, p. 1785.

pecting commerce, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. From and after the publication of this Order, no enemy merchant ship shall be allowed to depart, except in accordance with the provisions of this Order, from any British port or from any ports in any Native State in India, or in any of His Majesty's Protectorates, or in any State under His Majesty's protection or in Cyprus.
2. In the event of one of His Majesty's Principal Secretaries of State being satisfied by information reaching him not later than midnight on Friday, the 7th day of August, that the treatment accorded to British merchant ships and their cargoes which at the date of the outbreak of hostilities were in the ports of the enemy or which subsequently entered them is not less favourable than the treatment accorded to enemy merchant ships by Articles 3 to 7 of this Order, he shall notify the Lords Commissioners of His Majesty's Treasury and the Lords Commissioners of the Admiralty accordingly, and public notice thereof shall forthwith be given in the *London Gazette* and Articles 3 to 8 of this Order shall thereupon come into full force and effect.

3. Subject to the provisions of this Order, enemy merchant ships which
 - (i) at the date of the outbreak of hostilities were in any port in which this Order applies ; or
 - (ii) cleared from their last port before the declaration of war, and after the outbreak of hostilities enter a port to which this Order applies, with no knowledge of the war :

shall be allowed up till midnight (Greenwich Mean Time), on Friday, the 14th day of August, for loading or unloading their cargoes and for departing from such port :

Provided that such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

Enemy merchant ships which cleared from their last port before the declaration of war, and which with no knowledge of the war arrive at a port to which this Order applies after the expiry of the time allowed by Article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the Customs Officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge :

Provided that such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified British port, and shall there be allowed such time for discharge as the Customs Officer of that port may consider to be necessary :

Provided also that, if any cargo on board such vessel is contraband of war or is requisitioned under Article 5 of this Order, she may be

required before departure to discharge such cargo within such time as the Customs Officer of the port may consider to be necessary; or she may be required to proceed, if necessary under escort, to any other of the ports specified in Article 1 of this Order, and shall there discharge the contraband under the like conditions.

5. His Majesty reserves the right recognised by the said Convention to requisition at any time subject to payment of compensation enemy cargo on board any vessel to which Articles 3 and 4 of this Order apply.
6. The privileges accorded by Articles 3 and 4 are not to extend to cable ships, or to sea-going ships designed to carry oil fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyds' Register shall be conclusive for the purposes of this Article. Such vessels will remain liable on adjudication by the Prize Court to detention during the period of the war, or to requisition in accordance, in either case, with the Convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for conversion into warships, as such vessels are outside the scope of the said Convention, and are liable on adjudication by the Prize Court to condemnation as prize.
7. Enemy merchant ships allowed to depart under Articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow.
8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.
9. If no information reaches one of His Majesty's Principal Secretaries of State by the day and hour aforementioned to the effect that the treatment accorded to British merchant ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in his opinion, not less favourable than that accorded to enemy merchant ships by Articles 3 to 8 of this Order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this Order applies, and also every enemy merchant ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war, enters a port to which this Order applies, shall, together with the cargo on board thereof, be liable to capture and shall be brought before the Prize Court forthwith for adjudication.
10. In the event of information reaching one of His Majesty's Principal Secretaries of State that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings for adjudication in the Prize Court, or are to be detained during the war or requisitioned in lieu of condemnation as prize, he shall notify the Lords Commissioners of the Admiralty accordingly, and shall publish.

a notification thereof in the *London Gazette* and in that event, but not otherwise, enemy merchant ships which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the Prize Courts for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the *London Gazette*.

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this Order applies, shall be released.
12. In accordance with the provisions of Chapter III of the Convention relative to certain Restrictions on the Exercise of the Right of Capture in Maritime War, signed at the Hague on the 18th October 1907, an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the officers and members of the crew of such vessel, who is of enemy nationality, that he will not after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such officer is of neutral nationality, an undertaking must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality.

Officers or members of the crew declining to give the undertakings required by this Article will be detained as prisoners of war.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, and all Governors, Officers, and Authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,

Secretary to Government.

Note to Article 3.—Railway Standard time for all Ports in India and Burma will be adopted, viz. :—

India.—5-30 A.M. succeeding the midnight referred to in Article 3 of the Order in Council.

Burma.—6-30 A.M. succeeding the midnight referred to in Article 3 of the Order in Council.

Not extended to German Ships. Vide Manual of Immurgency Legislation, p. 142.

Extended to Austrian ships. Vide Proclamation of 12th Aug. 1914 and Manual above cited, p. 143.

Extended to Turkish Ships, Vide Manual supp., p. 189.

Not extended to Bulgarian ships. Vide Proclamation of the 16th Oct. 1915.

NOTIFICATIONS.

REVENUE DEPARTMENT.

Bombay Castle, 10th August 1914.

No. 7426.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 6883, dated Simla, the 7th August 1914.”

The following Royal Proclamation setting forth the Law and Policy with regard to Trading with the Enemy, is published for general information :—

BY THE KING.

A PROCLAMATION.

GEORGE, R. I.

WHEREAS a state of war exists between Us and the German Emperor ; and whereas it is contrary to law for any person resident, carrying on business, or being in OUR Dominions to trade or have any commercial intercourse with any person resident, carrying on business, or being in the German Empire without OUR permission :

AND whereas it is therefore expedient and necessary to warn all persons resident, carrying on business, or being in OUR Dominions of their duties and obligations towards Us, OUR Crown, and Government :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation, and WE do hereby warn all persons resident, carrying on business, or being in OUR Dominions :

Not to supply to or obtain from the German Empire, any goods, wares, or merchandise, or to supply to or obtain the same from any person resident, carrying on business, or being therein, nor to supply to or obtain from any person any goods, wares, or merchandise for or by way of transmission to or from the German Empire, or to or from any person resident, carrying on business, or being therein, nor to trade in or carry any goods, wares, or merchandise destined for or coming from the German Empire, or for or from any person resident, carrying on business, or being therein :

Nor to permit any British ship to leave for, enter, or communicate with any port or place in the German Empire :

Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the German Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any such person in respect of any loss due to the belligerent action of His Majesty's forces or of those of any Ally of His Majesty :

Nor to enter into any new commercial, financial, or other contract or obligation with or for the benefit of any person resident, carrying on business or being in the German Empire :

* Published in Bom. G. G. Extraordinary, Aug 10th 1914, p. 1800. This Proclamation was revoked by that of the 9th September 1914.

And WE do hereby further warn all persons that whoever in contravention of the law shall commit, aid or abet any of the aforesaid acts will be liable to such penalties as the law provides :

And WE hereby declare that any transactions to, with, or for the benefit of any person resident, carrying on business, or being in the German Empire, which are not treasonable and are not for the time being expressly prohibited by Us either by virtue of this Proclamation, or otherwise, and which but for the existence of the state of war aforesaid would be lawful, are hereby permitted :

And WE hereby declare that the expression 'person' in this Proclamation shall include any body of persons, corporate or unincorporate, and that where any person has, or had an interest in houses or branches of business in some other country as well as in OUR Dominions, this Proclamation shall not apply to the trading or commercial intercourse carried on by such person solely from or by such houses or branches of business in such other country.

Given at OUR Court at Buckingham Palace this fifth day of August in the year of OUR LORD, one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

PROCLAMATION, DATED 5TH AUGUST 1914, PROHIBITING BRITISH VESSELS FROM CARRYING CONTRABAND FROM ONE FOREIGN PORT TO ANOTHER.

No. 7988, dated the 24th August, 1914.—The following Royal Proclamation prohibiting British vessels from carrying contraband from one foreign port to any other foreign port is published for general information :—

By the subsequent Proclamation* republished in Government of India, Foreign and Political Department Notification No. 111-W., dated Simla, the 15th August, 1914, it was declared that the words "enemy country" shall be deemed as from the twelfth day of August in the year of Our Lord one thousand nine hundred and fourteen to include the Dual Monarchy of Austria-Hungary.

BY THE KING.

A PROCLAMATION.

GEORGE, R. I.

WHEREAS a state of war exists between Us on the one hand and the German Empire on the other ;

And whereas WE have by Proclamation warned all persons resident, carrying on business or being in OUR Dominions, that it is contrary to law for them to have any commercial intercourse with any person resident, carrying on business, or being in the said Empire, or to trade in or carry any goods,

* This was superseded by the Proclamation, dated 12th August, 1914, *infra*.

wares or merchandise destined for or coming from the said Empire, or for or from any person resident, carrying on business, or being therein ;

Now WE do hereby further warn all OUR subjects that conformably with that prohibition it is forbidden to carry in British vessels, from any foreign port to any other foreign port, any article comprised in the list of contraband of war issued by Us, unless the shipowner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country. Any British vessel acting in contravention of this Proclamation will be liable to capture by OUR naval forces and to be taken before OUR Prize Courts for adjudication, and any of OUR subjects acting in contravention of this Proclamation will be liable to such penalties as the law prescribes.

Given at OUR Court at Buckingham Palace this fifth day of August in the year of Our Lord one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

[See Gazette of India, 1914, Part I, p. 1381.]

ROYAL PROCLAMATION OF 5TH AUGUST 1914 PROHIBITING EXPORT OF WARLIKE STORES, ETC., FROM THE UNITED KINGDOM.*

No. 8682.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 9183, dated Simla, the 12th September 1914.

In supersession of the Notification in this Department No. 6878,* date the 7th August 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION

Prohibiting, under section 8 of ‘ The Customs and Inland Revenue Act 1879,’ the Exportation from the United Kingdom of certain Warlike Stores, Provisions and Victual.

GEORGE, R. I.

WHEREAS by the 8th section of ‘ The Customs and Inland Revenue Act, 1879,’ it is enacted that WE may, by Proclamation or Order in Council prohibit the exportation of, amongst other things, any articles which WE shall judge capable of being converted into, or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men :

* Published in Bom. G. G., Sept. 17th, 1914. Part I, p. 2155,

N.B.—This Proclamation was previously published in Bom. G. G. Extraordinary, Aug. 10th, 1914, Part I, p. 1801—but it left out by mistake part of the title of the Proclamation.

It has been withdrawn as far as India is concerned by the Order in Council of the 28th August 1914, *infra*.

AND whereas WE, by and with the advice of OUR Privy Council, deem it expedient and necessary that WE should exercise such power of prohibition in manner hereinafter appearing :

Now WE, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof the following goods, being articles which WE have judged capable of being converted into, or made useful in increasing the quantity of military or naval stores, that is to say :—

Forage and food of all kinds for animals,

And also provisions and victual of all sorts which may be used as food for men,

shall be, and the same are hereby prohibited to be exported from the United Kingdom.

Given at OUR COURT at Buckingham Palace, this fifth day of August in the year of OUR LORD one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

*No. 8683.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 9184, dated Simla, the 12th September 1914.

In supersession of the Notification in this Department No. 6985,† dated the 8th August 1914, the following Royal Proclamation regarding the prohibition of export from the United Kingdom is published for general information :—

BY THE KING.

A PROCLAMATION

Prohibiting, under section 1 of 'The Exportation of Arms Act, 1900,' the exportation from the United Kingdom of Warlike Stores to certain Countries.

GEORGE, R. I.

WHEREAS by the 1st section of "The Exportation of Arms Act, 1900," it is enacted that WE may, by Proclamation prohibit the exportation of arms ammunition, military or naval stores and any article which WE shall judge capable of being converted into, or made useful in increasing the quantity of arms, ammunition or military or naval stores to any country or place therein named, whenever WE shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores being used against OUR subjects or forces, or against any forces engaged or which

* Published in Bom. G. G., Sept. 17th, 1914, Part I, p. 2155.

† Republished in the Bom. G. G. Extraordinary, Part I, dated 11th August 1914.

may be engaged in military or naval operations in co-operation with OUR forces :

AND whereas WE, by and with the advice of OUR Privy Council, judge it expedient to prohibit the exportation of the articles hereinafter mentioned in order to prevent their being used as in the said Act stated :

Now, WE, by and with the advice aforesaid, do hereby from and after the date hereof prohibit the exportation to all foreign ports in Europe and on the Mediterranean and Black Sea, with the exception of those of France, Russia (except the Baltic Ports,) Spain and Portugal, of the following articles being articles which WE have judged capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, that is to say :—

Aluminium.

Aluminium alloys.

Armour plates, armour quality castings and similar protective material.

Asbestos.

Cables, telegraph and telephone.

Camp equipment, articles of.

Cannon and other ordnance, and parts thereof.

Carbolic acid.

Carriages and mountings for cannon and other ordnance and for machine guns, and parts thereof.

Coal, steam, large.

Compasses and parts thereof, including fittings, such as binnacles.

Cresol and nitro-cresol.

Engine and boiler packings.

Explosives of all kinds.

Fuel, manufactured.

Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or of war material for use on land and sea.

India-rubber sheet, vulcanised.

Manganese.

• Mercury.

Mica.

Mineral jellies.

Mines, and parts thereof.

Molybdenum.

Nitrates of Ammonium.

Nitrates of Potassium.

Nitrates of Sodium.

Nitro-toluol.

Nitric acid.

Picric acid and its components.

Range-finders and parts thereof.

Rope, steel wire and hawsers.

Saltpetre.

Sounding machines, and gear.

Steam vessels, lighters and barges of all descriptions.
 Sulphur.
 Sulphuric acid.
 Swords, bayonets and other arms (not being fire-arms), and parts thereof.
 Tin.
 Tin plates.
 Torpedo tubes.
 Torpedoes and parts thereof.
 Tungsten.
 Vanadium.
 4-wheeled wagons, capable of carrying 1 ton and over.
 2-wheeled carts, capable of carrying 15 cwt. and over.
 Harness and saddlery of all kinds.
 Barbed wire.
 Horse and pony shoes.
 Material for telegraphs, wireless telegraphs and telephones.
 Field glasses and telescopes.
 Railway material, both fixed and rolling stock.
 Men's marching and shooting boots.
 Heliographs.
 Portable Forges.
 Farriers', carpenters', wheelers', and saddlers' tools.
 Glycerine.
 Alcohol as covering rectified spirits.
 Uniform clothing and military equipment.
 Accoutrements.
 Walnut wood of scantling which could be made into rifle-butts and fore-ends.

Given at OUR COURT at Buckingham Palace this fifth day of August in the year of OUR Lord, one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

NOTIFICATION.

REVENUE DEPARTMENT.

*Bombay Castle, 11th August 1914.**

No. 7474.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 6985, dated Simla, the 8th August 1914.

The following Royal Proclamation regarding the Prohibition of Export from the United Kingdom is published for general information :—

* Published in Bom. G. G. Extraordinary, Aug. 11th, 1914, Part, 1, p. 1807.

BY THE KING.

A PROCLAMATION.

WHEREAS by the 1st Section of 'The Exportation of Arms Act, 1900,' it is enacted that WE may, by Proclamation, prohibit the exportation of arms, ammunition, military or naval stores, and any article which WE shall judge capable of being converted into, or made useful in, increasing the quantity of arms, ammunition or military or naval stores, to any country or place therein named, whenever WE shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores being used against OUR subjects or forces, or against any forces engaged, or which may be engaged, in military or naval operations in co-operation with OUR forces.

AND whereas WE, by, and with, the advice of OUR Privy Council, judge it expedient to prohibit the exportation of the articles hereinafter mentioned in order to prevent their being used as in the said Act stated

Now, WE, by, and with, the advice aforesaid, do hereby from, and after, the date hereof prohibit the exportation to all foreign ports in Europe and on the Mediterranean and Black Sea, with the exception of those of France, Russia (except the Baltic Ports) and Spain and Portugal, of the following articles, being articles which WE have judged capable of being converted into, or made useful in, increasing the quantity of arms, ammunition or military or naval stores, that is to say :—

Accoutrements.

Alcohol as covering rectified spirits.

Aluminium.

Aluminium alloys.

Armour plates.

Armour quality castings and similar protective material.

Barbed wire.

Cables, telegraph and telephone.

Camp equipment, articles of—.

Cannon and other ordnance, and parts thereof.

Carbolic acid.

Carriages and mountings for cannon and other ordnance and for machine guns, and parts thereof.

Coal, steam, large.

Compasses and parts thereof, including fittings such as binnacles.

Cresol and Nitro-cresol.

Engine and boiler packings.

Explosives of all kinds.

Farriers', carpenters', wheelers' and saddlers' tools.

Field glasses and telescopes.

Four-wheeled wagons, capable of carrying 1 ton and over.

Fuel, manufactured.

Glycerine.

Harness and saddlery of all kinds.

Heliographs.

Horse and pony shoes.

Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or of war material for use on land and sea.

India-rubber sheet, vulcanised.

Manganese.

Material for telegraphs, wireless telegraphs and telephones.

Men's marching and shooting boots.

Mercury.

Mica.

Mineral jellies.

Mines, and parts thereof.

Molybdenum.

Nitrates of Ammonium.

Nitrates of Potassium.

Nitrates of Sodium.

Nitric acid.

Nitro-toluol.

Picric acid and its components.

Portable Forges.

Railway material, both fixed and rolling stock.

Range-finders and parts thereof.

Rope, wire, steel, and hawsers.

Saltpetre.

Sounding machines, and gear.

Steam vessels, lighters and barges of all descriptions.

Sulphur.

Sulphuric acid.

Swords, bayonets and other arms (not being fire-arms), and parts thereof.

Tin.

Tin plates.

Torpedo Tubes.

Torpedoes and parts thereof.

Tungsten.

Two-wheeled carts, capable of carrying 15 cwt. and over.

Uniform clothing and Military equipment.

Vanadium.

Walnut wood of scantling which could be made into rifle-butts and fore-ends.

Given at OUR Court at Buckingham Palace this fifth day of August in the year of OUR LORD, one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,

Acting Chief Secretary to Government.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 7th August 1914.

*No. 7347.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 6722, dated Simla, the 5th August 1914.

In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the taking by sea or by land out of British India of :—

Ammunition and explosives, and the materials used in their manufacture ;
 Arms, guns and gun mountings of all descriptions, with their component parts ;
 Accoutrements ;
 Armour plates ;
 Balloons, kites, airships and aeroplanes, including parts thereof ;
 Fuses and detonators ;
 Heliographs, signal flags, and naval and military signalling apparatus of all descriptions, including wireless telegraphy apparatus ;
 Entrenching tools ;
 Marine boilers and engines, including any parts thereof ;
 Materials used in ship construction ;
 Mining cables ;
 Naval and military stores of every description, including tents, uniform, boots, shoes, harness and other equipment ;
 Railway material and material for telegraphs and telephones, barbed wire and implements for fixing and cutting the same ;
 Range finders ;
 Searchlight apparatus ;
 Submarine mines and torpedoes ;
 Torpedo net defence and parts thereof.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,
 G. S. CURTIS,
Acting Chief Secretary to Government.

No. 7381.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 6788, dated Simla, the 5th August 1914.†

*In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to

*Published in Bom. G. G. Extraordinary, Aug. 7th, 1914, Part I, p. 1789.

†Published in Bom. G. G. Extraordinary, Aug. 8th, 1914, Part I, p. 1795.

prohibit the taking of Welsh coal by sea from British India except in quantities sufficient for bunker requirements.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council.

G. S. CURTIS,
Acting Chief Secretary to Government.

*No. 8684.—The following Notification by the Government of India Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 9185, dated Simla, the 12th September, 1914.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

*Prohibiting, under section 8 of 'The Customs and Inland Revenue Act, 1879,'
the Exportation from the United Kingdom of certain Warlike Stores,
Provisions, and Victual.*

GEORGE, R. I.

WHEREAS by the 8th section of 'The Customs and Inland Revenue Act, 1879,' it is enacted :

WE may, by Proclamation or Order in Council, prohibit the exportation of, amongst other things, any articles which WE shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for men :

And whereas by OUR Proclamation dated the 3rd August 1914,† effect was given to the provisions of the above-recited section of the said Act of Parliament as regards the exportation of any articles which WE judge capable of being converted into or made useful in increasing the quantity of military or naval stores by the prohibition of the exportation from the United Kingdom of certain military and naval stores as therein more particularly set forth.

And whereas by OUR further Proclamation, dated the 5th August 1914,‡ further effect was given to OUR said Proclamation of the 3rd August 1914, by the prohibition of the exportation from the United Kingdom of 'Forage and food of all kinds for animals :'

And whereas by OUR said further Proclamation, dated the 5th August 1914, WE, in further exercise of the power conferred by the above-recited section of the above Act of Parliament, did prohibit the exportation from the United Kingdom of 'provisions and victual of all sorts which may be used as food for men :'

*Published in Bom. G. G., Sept. 17th, 1914, Part I, pp. 2156-7. This Proclamation was withdrawn as far as India is concerned by Order in Council of the 28th August, 1914. *infra*.

†Republished in the Bom. G. G. Extraordinary, Part I, dated 8th Aug. 1914.

‡Republished in the Bom. G. G. Extraordinary, Part I dated 10th Aug. 1914.

And whereas, WE, by and with the advice of OUR Privy Council, deem it expedient that certain additions should be made to the list of articles comprised in OUR said Proclamations, dated respectively the 3rd August 1914, and the 5th August 1914, so far as relates to articles which WE have judged capable of being converted into or made useful in increasing the quantity of military or naval stores :

And whereas, WE, by and with the advice of OUR Privy Council, do also deem it expedient more exactly to define what is prohibited to be exported by OUR Proclamation dated the 5th August 1914, under the terms ' provisions and victual of all sorts which may be used as food for men :'

Now, WE, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof, the following additional goods, being articles which WE have judged capable of being converted into or made useful in increasing the quantity of military or naval stores, that is to say :—

Glycerine, crude and refined,
 Lead in all forms,
 Saltpetre,
 Nitrate of sodium,
 Guncotton,
 Carbohc acid,
 Alcohols, ethylic,
 Alcohols, methylic,
 Alkaline, iodides,
 Belladonna and its preparations and alkaloids,
 Bismuth and its salts,
 Boric acid,
 Bromine and alkaline bromides,
 Castor oil,
 Chloroform,
 Cinchona bark, quinine and its salts,
 Coca and its preparations and alkaloids,
 Collodion,
 Corrosive sublimate,
 Cresol and all preparations thereof (including cresylic acid) and nitro-cresol,
 Digitalis and its preparations,
 Ether,
 Ethyl chloride,
 Formic aldehyde,
 Henbane and its preparations,
 Iodine and its preparations,
 Lysol,
 Mercury, and its salts and preparations,
 Morphia and other alkaloids of opium,
 Nux Vomica and its alkaloids and preparations,
 Opium and its preparations,
 Paraffin, soft,

Protagol,
Salicylic acid and salicylates,
Salvarsan,
All fine chemicals,

shall be, and the same are hereby prohibited to be exported from the United Kingdom ;

And, WE, by and with the advice aforesaid, do hereby also order and direct that the terms ' provisions and victual of all sorts which may be used as food for men ' which by OUR said further Proclamation, dated the 5th August 1914, WE prohibited to be exported, shall mean and include :—

Corn, grain, rice, pulse, meal and flour of all kinds,
Animals, living, for food,
Meat of all kinds (including poultry and game,) fresh, chilled, frozen, salted, or in any way preserved,
Bread,
Biscuits and cakes,
Butter,
Margarine,
Cheese,
Eggs,
Fish, fresh, cured, dried or salted (but not including pickled),
Fruit, dried or otherwise preserved, without sugar, all kinds,
Sugar, unrefined.
Sugar, refined and candy,
Glucose,
Molasses and invert sugar,
Confectionery of all kinds, including marmalade, jams and fruit jellies,
Milk, condensed, sweetened or not,
Tea, other than green tea,
Vegetables,

Given at OUR Court at Buckingham Palace, this Tenth day of August, in the year of Our Lord, One thousand nine hundred and fourteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

NOTIFICATION.
POLITICAL DEPARTMENT.

*Bombay Castle, 16th August 1914.**

No. 336-W.—The following Royal Proclamation, dated the 12th August 1914, is republished for general information :—

A Proclamation extending the scope of certain existing Proclamations and [a] certain Order (s) in Council connected with the War.

* Published in Bom. G. G. Extraordinary, Aug. 16th, 1914, Part I, p. 1907. This Notification was subsequently superseded because in the title certain misprints appeared as indicated in brackets, vide Bom. G. G. Extraordinary, Sept. 21st, 1914, p. 2176, and Gazette of India Extraordinary, Sept. 16th, 1914, Part I, p. 1433.

WHEREAS on the fourth day of August one thousand nine hundred and fourteen a state of war came into existence between Us on the one hand and the German Empire on the other :

And whereas WE did on the same date and on the fifth day of August one thousand nine hundred and fourteen issue certain Proclamations and Orders in Council connected with that state of war :

And whereas the state of war now exists between Us on the one hand and the Dual Monarchy of Austria-Hungary on the other :

And whereas it is therefore desirable to extend the scope of certain of the Proclamations and Orders in Council aforesaid :

Now therefore WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring and it is hereby declared as follows:—

1. The Proclamation warning all OUR subjects and all persons resident or being in OUR Dominions from contributing to or participating in or assisting in the floating of any loan raised on behalf of the German Government or from advancing money to or entering into any contract of dealings whatever with the said Government or otherwise aiding, abetting or assisting the said Government, shall be deemed as from this date to apply to all loans raised on behalf of or contracts or dealings entered into with or to aiding, abetting, or assisting, the Austro-Hungarian Government.

2. The Proclamation of trading with the enemy shall be deemed as from this date to prohibit with the Dual Monarchy of Austria-Hungary all commercial intercourse which under the said Proclamation is prohibited with the German Empire and for this purpose such Proclamation shall be read as if throughout the operative portion thereof the words "either the German Empire or the Dual Monarchy of Austria-Hungary" were substituted for the words "the German Empire."

3. (1) In the Order in Council issued with reference to the departure from our Ports of enemy vessels which at the outbreak of hostilities were in any such Port or which subsequently entered the same, the word "Enemy" as applied to either ships or cargo shall be deemed as from this date to include Austro-Hungarian ships or cargo.

(2) In the application of this article to Austro-Hungarian ships the date Saturday the 15th day of August shall be substituted for the date mentioned in article 2 of the said Order in Council, and the date Saturday the 22nd day of August shall be substituted for the date mentioned in article 3 of the said Order in Council.

4. The Proclamation specifying the articles which it is OUR intention to treat as contraband of war during the war with Germany shall be deemed to specify the articles which it is OUR intention to treat as contraband of war during the war with Austria-Hungary

5. In the Proclamation forbidding the carriage in British vessels from any foreign port to any other foreign port of any article comprised in the list of contraband of war issued by Us unless the ship-owner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country, the words "Enemy Country" shall be deemed as from this date to include the Dual Monarchy of Austria-Hungary.

Given at OUR Court at Buckingham*Palace, this twelfth day of August in the year of Our Lord one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,
Secretary to Government.

Bombay Castle, 22nd September 1914.

*No. 8912.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 9780, dated Simla, the 19th September 1914.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Modifying the Proclamations of the 3rd, the 5th, and the 10th August, 1914, relating to the Exportation of certain Warlike Stores, Provisions and Victual.

GEORGE, R. I.

WHEREAS by the 8th section of “ The Customs and Inland Revenue Act, 1879,” it is enacted that WE may, by Proclamation or Order in Council, prohibit the exportation of arms, ammunition and gunpowder, military and naval stores, and any articles which WE shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual, which may be used as food for men :

And whereas by the first section of “ The Exportation of Arms Act, 1900,” it is enacted that WE may, by Proclamation, prohibit the exportation of arms, ammunition, military or naval stores, and any article which WE shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named, whenever WE shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against OUR subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with OUR forces :

And whereas by OUR Proclamations dated the 3rd August 1914,† the 5th August 1914,‡ and the 10th August 1914,§ effect was given to the provisions

*Published in Bom. G. G., Sept. 24th, 1914, Part I, p. 2210. The prohibition herein as far as India is concerned was withdrawn by Order in Council of the 28th August 1914.

†Republished in the Bom. G. G. Extraordinary, Part I, dated 8th August 1914.

‡Republished in the Bom. G. G. Extraordinary, Part I, dated 11th August 1914.

§Republished at pages 2156 to 2158 of Part I, of the Bom. G. G., dated 17th September 1914.

of the above recited sections of the said Acts of Parliament by the prohibition of the exportation from the United Kingdom of certain military and naval stores and other articles as therein set forth :

And whereas WE, by and with the advice of OUR Privy Council, now deem it expedient that the exportation of the articles mentioned in that one of OUR Proclamations dated the 5th August, 1914, made under the first section of "The Exportation of Arms Act, 1900," shall no longer be prohibited to the Ports of Belgium, and also that the lists of articles of which the exportation is prohibited in the said Proclamation dated the 3rd August 1914, in the said Proclamation dated the 5th August 1914, made under the first section of "The Exportation of Arms Act, 1900," and in the said Proclamation dated the 10th August 1914, shall be modified, both by way of addition to and deletion from the lists of articles therein mentioned :

Now, WE, by and with the advice aforesaid, do hereby order and direct that from and after the date hereof the prohibitions published in the aforesaid Proclamations shall be read as subject to the modifications shown in the First Schedule hereunto appended, and that from and after the 30th August 1914 the said prohibitions shall be read as subject also to the further modifications shown in the Second Schedule hereunto appended.

FIRST SCHEDULE—TO TAKE EFFECT FORTHWITH.

Proclamation of the 5th August 1914.—List of Articles of which the exportation is prohibited from the United Kingdom to all foreign ports in Europe and on the Mediterranean and Black Sea, with the exception of those of France, Russia (except the Baltic Ports,) Spain and Portugal.

Add to the list of Ports excepted from the prohibition :—

The ports of Belgium.

Delete from the list of articles :—

Coal, steam, large ;

Fuel, manufactured ;

Nitrates of sodium ;

Tin plates ;

Proclamation of the 10th August 1914.—List of Articles of which the exportation is prohibited from the United Kingdom.

Delete from the list of articles :—

Lead in all forms.

Add to the list of Articles :—

Lead, pig, sheet or pipe.

Substitute for the list of provisions and victuals which may be used as food for men prohibited to be exported, the following list :—

Wheat and wheat flour ;

Barley and oats ;

Animals, living, for food ;

Butter ;

Margarine ;

Cheese ;

Eggs ;

Sugar, unrefined ;

Sugar, refined and candy ;
 Molasses and invert sugar ;
 Jams and marmalades ;
 Milk, condensed, sweetened or not,

SECOND SCHEDULE.—TO TAKE EFFECT FROM THE 30TH AUGUST 1914.

Proclamation of the 3rd August 1914.—List of Articles of which the exportation is prohibited from the United Kingdom.

Delete from the list of articles :—

Creosote.

Engines and lorries, internal combustion, capable of carrying a load of 25 cwt. and upwards, whole or in parts.

Given at OUR Court at Buckingham Palace, this Twentieth day of August in the year of OUR LORD one thousand nine hundred and fourteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

*Bombay Castle, 5th October 1914.**

No. 9453.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 10667, dated Simla, the 3rd October 1914.

The following orders issued by the Lords of His Majesty's Most Honourable Privy Council are republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 28th day of August 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the effect :

That an Order should be issued withdrawing in respect of His Majesty's Dominions, Colonies not possessing responsible Government, British India, Territories under His Majesty's Protection, Cyprus, the Channel Islands, and Egypt, the prohibitions established by His Majesty's Proclamations of the 5th, 10th, and 20th August 1914, on the exportation from the United Kingdom of the articles specified in the list of provisions and victual contained in the last-mentioned Proclamation :

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

* Published in Bom. G. G., Oct. 8th 1914, Part I, p. 2319.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

AT THE COUNCIL CHAMBER, WHITEHALL,

The 1st day of September 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the effect :

That an Order should be issued withdrawing the prohibition on the exportation from the United Kingdom of Jams and Marmalades and of Condensed Milk, sweetened or not, established by His Majesty's Proclamation dated the 20th August, 1914 :

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

*No. 9797.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 11016, dated Simla, the 10th October 1914.

The following order issued by the Lords of His Majesty's Most Honourable Privy Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 8th day of September 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made

* Published in Bom. G. G., Oct. 15th, 1914, Part I, p. 2455.

Republished respectively in the Bom. G. G. Extraordinary, Part I, dated 11th August 1914, at pages 2156 to 2158 of Part I, of the Bom. G. G. dated 17th September, 1914, and at pages 2210 and 2211 of Part I of the Bom. G. G., dated 24th idem.

under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words :—

(1) That the heading 'Cartridges, charges, of all kinds, and their component parts,' in His Majesty's Proclamation,* dated the 3rd August 1914, should read 'Cartridges, charges, of all kinds, and their component parts, other than sporting cartridges, charges, and their component parts.'

(2) That there should be deleted from the list of articles included in His Majesty's Proclamation,† dated the 5th August 1914—

Field-glasses and telescopes,	Tungsten,
Tin,	Nitro-toluol.

(3) That there should be deleted from the list of articles included in His Majesty's Proclamation,‡ dated the 10th August 1914—

Castor oil,
Boric acid,
Digitalis and its preparations,
All fine chemicals.,

(4) That the heading 'Manganese' in the Proclamation, dated the 5th August 1914 should read—

Manganese, including ferro-manganese.

(5) That the exportation of—

Iron ore,
Raw rubber,
Bladders, casings, and sausage skins,
Castor oil,

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic Ports) Belgium, France, Spain, and Portugal.

(6) That there should be added to the list of prohibitions to all destinations contained in former Proclamations—

Field-glasses and telescopes,
Tungsten,
Wolfram ore,
Nitro-toluol,
Acetanilide,
Acetylsalicylic acid (aspirin) and salicin,
Aconite and its preparations and alkaloids,
Adrenin, adrenalin, and its preparations,
Ammonium sulphocyanide,
Antipyrine (phenazone),

*Republished at page 2154 of the Bom. G. G., Part I, dated 17th September 1914.

†Republished at pages 2155 to 2156 of the Bom. Government G., Part I, dated 17th September 1914.

‡Republished at pages 2156 to 2158 of the Bom. G. G., Part I, dated 17th September 1914.

Balsam of Peru,
 Benzoic acid (synthetic) and benzoates.
 Cantharides and its preparations,
 Chloral and its preparations, including chloramid,
 Chrysarobin,
 Citrate of magnesia,
 Citric acid, alkaline citrates and calcium citrate,
 Coal tar products for use in die manufacture,
 Diethylbarbituric acid (veronal) and veronal sodium,
 Dulcite,
 Dyes and dyestuffs obtained from coal tar,
 Emetin hydrochlor,
 Eucaïne hydrochlor,
 Ergot of rye and its preparations and alkaloids,
 Gentian and its preparations,
 Glacial acetic acid,
 Hexamethylene tetramin (urotropin) and its preparations,
 Hydrobromic acid,
 Hydroquinone,
 Mannite,
 Neo-salvarsan,
 Novocain,
 Oil of turpentine,
 Paraldehyde,
 Paraffin, liquid, medicinal,
 Pastilles, jujubes, lozenges and cachous generally containing prohibited ingredients.
 'Peptone Witte',
 Phenacetin,
 Pilocarpine salts,
 Potassium and its salts and preparations (including bichromate and prussiate of potash),
 Pyrogalllic acid,
 Saccharin (including 'saxin'),
 Santonin and its preparations,
 Sulphonal,
 Sulphate of zinc,
 Tartaric acid and alkaline tartrates,
 Thymol and its preparations,
 Trional,

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

*No. 9798.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 11017, dated Simla, the 10th October 1914.

The following Order issued by the Lords of His Majesty's Most Honourable Privy Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 11th day of September 1914.

By the Lords of His Majesty's Most Honourable Privy Council,

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1897, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an order made by the Lords of the Council on the recommendation of the Board of Trade;

AND WHEREAS there was this day read at the Board—a recommendation from the Board of Trade to the effect that an Order should be issued prohibiting the exportation from the United Kingdom to all destinations of the following articles: sugar unrefined, sugar refined, and candy; molasses; invert sugar; and all sugar and extracts from sugar which cannot be completely tested by the polariscope;

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”

†No. 2355-W.—The following Notification by the Government of India Department of Commerce and Industry, is republished :—

“ CUSTOMS.

No. 115-W., dated Simla, the 24th October 1914.

In supersession of the Notification in this Department No. 10213, dated the 26th September 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Specifying certain additional Articles which are to be treated as Contraband War.

*Published in Bom. G. G., Oct. 15th, 1914, Part I, p. 2456.

†Published in the Bom. G. G., Oct. 29th 1914, Part I, p. 2570.

†Vide Appendix VI, post.

GEORGE, R.I.

WHEREAS on the fourth day of August last WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as Contraband of War during the War between Us and the German Emperor :

And whereas on the twelfth day of August last WE did by OUR Royal Proclamation of that date extend OUR Proclamation aforementioned to the War between Us and the Emperor of Austria, King of Hungary :

And whereas by an Order in Council of the twentieth day of August 1914, it was ordered that during the present hostilities the Convention known as the Declaration of London† should, subject to certain additions and modifications therein specified, be adopted and put in force as if the same had been ratified by Us :

And whereas it is desirable to add to the list of articles to be treated as Contraband of War during the present War :

And whereas it is expedient to introduce certain further modifications in the Declaration of London† as adopted and put in force :

Now, THEREFORE, WE do hereby declare, by and with the advice of OUR Privy Council, that during the continuance of the War, or until WE do give further public notice, the articles enumerated in the Schedule hereto will, notwithstanding anything contained in Article 28 of the Declaration of London,† be treated as conditional Contraband.

SCHEDULE.

Copper, unwrought.	Magnetic Iron Ore.
Lead, pig, sheet, or pipe.	Rubber.
Glycerine.	Hides and Skins, raw or rough
Ferrochrome.	tanned (but not including
Hæmatite Iron Ore.	dressed leather).

Given at OUR Court at Buckingham Palace, this Twenty-first day of September, in the year of OUR Lord One thousand nine hundred and fourteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

By order of His Excellency the Right Honourable the Governor in Council,
L. ROBERTSON,
Secretary to Government."

*No. 10605.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 343-W., dated Simla, the 31st October 1914.

The following Order in Council is republished for *general information* :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 25th day of September 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under

†Vide Appendix VI, post.

*Published in Bom. G. G., Nov. 5th, 1914, Part I, p. 2628.

section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words :—

(1) That the prohibition to export " Pack, saddle, and draught animals, suitable for use in war' established by His Majesty's Proclamation dated the 3rd August 1914,* should extend to the carriage coastwise of all such animals between ports of the United Kingdom.

(2) That the heading ' Cotton suitable for use in the manufacture of explosives' should be deleted from His Majesty's Proclamation dated the 3rd August 1914,* and that the heading ' Cotton waste' in the same Proclamation should be expanded so as to read ' Cotton waste of all descriptions.'

(3) That the heading ' Harness and saddlery of all kinds' in His Majesty's Proclamation dated the 5th August 1914,† should be deleted.

(4) That the heading ' Coal tar products for use in dye manufacture' in the Order of Council dated the 8th September 1914, ‡ should be expanded so as to read ' Coal tar products for use in dye manufacture, except aniline oil and aniline salt.'

(5) That the exportation of—

Bags and sacks of all kinds (not including paper bags) ;

Graphite ;

Shipbuilding materials, namely :—

Boiler tubes ;

Condenser tubes ;

Iron and steel castings and forgings for hulls and machinery of ships ;

Iron and steel plates and sectional material for shipbuilding ;

Marine engines and parts thereof ;

Ships' auxiliary machinery ;

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic ports,) Belgium, France, Spain, and Portugal.

(6) That there should be added to the list of prohibitions of export to all destinations :—

Harness and saddlery which can be used for military purposes ;

Khaki serge ;

Peroxide of manganese.

NOW, THEREFORE, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

*Republished at page 2154 of the Bom. G. G., Part I, dated 17th September 1914

†Republished at pages 2155—2156 of the Bom. G. G., Part I, dated 17th September 1914.

‡Republished at pages 2455—2456 of the Bom. G. G., Part I, dated 15th October 1914.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

POLITICAL DEPARTMENT.

*Bombay Castle, 30th September 1914.**

No. 1616-W.—The following Notification by the Government of India, Department of Commerce and Industry, is republished in continuation of Political Department No. 1029-W., dated the 10th September 1914:—

"CUSTOMS.

No. 10213, dated Simla, the 26th September 1914.

With reference to the Notification in this Department No. 8982, dated the 7th September 1914, republishing a Royal Proclamation dated the 4th August 1914, specifying the articles to be treated as contraband of war, it is hereby notified that a further Royal Proclamation was issued on 21st September 1914 declaring the following additional articles to be 'Conditional' contraband:—

Copper, unwrought.

Lead, pig, sheet or pipe.

Glycerine.

Ferrochrome.

Hæmatite iron ore.

Magnetic iron ore.

Rubber.

Hides and skins, raw or rough tanned (but not including dressed leather).

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India.'

REVENUE DEPARTMENT.

Bombay Castle, 4th November 1914.†

No. 10655.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"COMMERCE AND TRADE.

No. 420-W., dated Simla, the 31st October 1914.

The following Royal Proclamation is published for general information:—

BY THE KING.

A PROCLAMATION

Extending the Prohibitions contained in the Proclamation‡ of the 9th September 1914, relating to Trading with the Enemy.

GEORGE, R. I.

WHEREAS the state of War between Us and the German Empire and the state of War between Us and the Dual Monarchy of Austria-Hungary

*Published in Bom. G. G., Oct. 1st, 1914, Part I, p. 2253.

†Published in Bom. G. G., Nov. 5th, 1914, Part I, p. 2660.

‡Republished at pages 2139—2141 of the Bom. G. G. Extraordinary, Part I, dated 16th September 1914.

referred to by Us in OUR Proclamation* of the ninth day of September 1914, still continue to exist :

And whereas it is desirable to extend the prohibitions contained in OUR said Proclamation :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. From and after the date of this Proclamation :—

(1) The importation of such sugar as is hereinafter mentioned is prohibited.

(2) The following prohibition shall have effect (save so far as licenses may be issued as hereinafter provided in addition to the prohibitions contained in OUR said Proclamation, and WE do hereby accordingly warn all persons resident, carrying on business, or being in OUR Dominions—

(a) Not directly or indirectly to import or cause or procure to be imported or to be concerned with the importation into any part of OUR Dominions or into any other country or place whatever through or from any port in Europe of raw or refined sugar made or produced by an enemy or in an enemy country, or refined sugar (wherever made or produced) made or produced from raw sugar made or produced by an enemy or in an enemy country.

(b) Not directly or indirectly to deal in any sugar as aforesaid.

2. And WE do hereby further warn all persons that whoever in contravention of the law shall commit, aid or abet any of the aforesaid acts is guilty of a crime and will be liable to punishment and penalties accordingly.

3. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by OUR license, or by the license given on OUR behalf by a Secretary of State or the Board of Trade, whether such license be granted especially to individuals or be announced as applying to classes of persons.

4. The words 'enemy' and 'enemy country' and 'person' shall have the same meaning in this OUR Proclamation as in OUR said Proclamation* of the ninth day of September 1914.

Given at OUR Court at Buckingham Palace, this Thirtieth day of September, in the year of OUR Lord one thousand nine hundred and fourteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,

Acting Chief Secretary to Government.

*Republished at pp. 2139-2141 of the Bom. G. G. Extra., Part I, dated 16th Sept. 1914.

*No. 10959.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 554-W., dated Delhi, the 7th November 1914.

The following Order in Council is republished for general information.

AT THE COUNCIL CHAMBER, WHITEHALL,

The 6th day of October 1914.

By the Lords of His Majesty's Most Honourable Privy Council,

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words :—

(1) That the exportation of—

Flaxen canvas, namely :—

Royal Navy Canvas ;

Merchant Navy Canvas ;

Kitbag Canvas ;

Hammock Canvas ;

Linen Duck Cloth ;

Linen close Canvas ;

Jute, raw ;

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic ports), Belgium, France, Spain, and Portugal.

(2) That the heading ‘ Glacial acetic acid ’ should be deleted from the list of prohibitions contained in paragraph 6 of the Order of Council of the 8th September 1914.

(3) That there should be added to the list of prohibitions of export to all destinations—

Hemp cordage and twine, not including cordage or twine of manila hemp or reaper or binder twine ;

Blankets, coloured, exceeding 3½ lbs. in weight, known as ‘ woollen ’ blankets ;

Hides of all kinds, dry or wet ;

Pig-skins, raw or dressed ;

Leather, undressed or dressed, suitable for saddlery, harness, or military boots ;

Sheep and lambs’ wool, raw.

NOW, THEREFORE, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

IMPORTS AND EXPORTS.

Board of Trade Notice, dated October 9th, 1914, to Importers and Exporters.

1. The attention of importers and exporters is directed to the provisions of His Majesty's Proclamation, dated the 9th September, relating to Trading with the Enemy. By paragraph 5 (7) of this Proclamation all persons resident, carrying on business, or being in His Majesty's Dominions are warned "not directly or indirectly to supply to or for the use or benefit of, or obtain from an enemy country or an enemy any goods, wares, or merchandise; nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy; nor directly or indirectly to trade in or carry any goods, wares, or merchandise destined for or coming from an enemy country or an enemy." It is further provided by paragraph 3 that the expression "enemy" in the Proclamation means "any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country."

2. With a view to preventing breaches of this Proclamation it is hereby notified that the Commissioners of His Majesty's Customs and Excise have been authorized by His Majesty's Government to require Certificates of Origin or Declarations of Ultimate Destination respectively to be presented in respect of all goods, wares, or merchandise imported into or exported from the United Kingdom in trade with any foreign port in Europe or on the Mediterranean or Black Seas with the exception of those of Russia, Belgium, France, Spain and Portugal.

3. Declarations of Ultimate Destination will consequently be required until further notice in respect of all exports, without regard to value of consignments, to all the foreign ports referred to above.

4. For the present, however, (except in regard to sugar,) Certificates of Origin will not be required in respect of imports of foodstuffs or in respect of any imports from ports other than those specified in Schedule I below or in respect of individual consignments not exceeding £100 in value. The Certificates and Declarations referred to must be in the form prescribed by the Schedules II and III hereto.

5. Any goods, wares, or merchandise imported from the above-mentioned foreign ports, except as provided in paragraph 4, unaccompanied

by Certificates of Origin will be detained by the Commissioners of Customs and Excise until the requisite certificates are produced. The Commissioners, are, however, authorized in such cases, and at their discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the necessary certificates within a prescribed period, provided that they see no reason for suspecting that the goods emanate from an enemy country.

6. Goods, wares, or merchandise sought to be exported to any foreign ports in Europe or on the Mediterranean or Black Seas, with the exception of those of Russia, Belgium, France, Spain and Portugal, will not be allowed to be shipped until Declarations of Ultimate Destination in the form prescribed have been lodged with the proper Customs authority.

7. The following goods will be exempt from these requirements :—

- (a) Goods imported or exported under license ;
- (b) Goods shipped for the United Kingdom on or before the 19th October ;
- (c) Goods in respect of which Customs export entries have been accepted before the publication of this notice.

Board of Trade, 9th October, 1914.

SCHEDULE I.

List of ports in respect of Imports from which Certificates of Origin will be required (see paragraph 4 of Notice.)

NORWAY.

Christiania.	Molde.
Bergen.	Moss.
Arendal.	Namos.
Bodo.	Narvik.
Christiansand.	Porsgrund.
Christiansund.	Risor.
Drammen.	Skien.
Flekkefiord.	Stavanger.
Fredrikshald.	Tonsberg.
Frederikstad.	Tromsø.
Hammerfest.	Trondhjem.
Haugesnud.	Vadso.
Laurvig and Sandefjord.	Vardo.
Lofoten Islands.	Kragerø.
Mandal.	

SWEDEN.

Stockholm.	Umeå.
Borgholm.	Westervik.
Gefle.	Skellefteå.
Gotland (Wisbui.)	Gottenburg.

Hernosand.	Carlsrona.
Hudiksvall.	Halmstad.
Kalmar.	Helsingborg.
Lulea.	Landsroner.
Norrkoping.	Malmo.
Nykoping.	Stromstad.
Ornskoldsvik.	Uddevalla.
Oskarshamn.,	Warberg.
Soderhamn.	Ystad and Ahus.
Sundvall.	Marstrand.

DENMARK.

Copenhagen.	Castrup.
Nyborg.	Kolding.
Aalborg.	Korsor.
Aarhus.	Lemvig.
Bandholm.	Odense.
Elsinore.	Randers.
Esbjerg.	Ronne (Bornholm.)
Fredericia.	Svendborg.
Fredrikshavn.	Thisted.
Horsens.	

NETHERLANDS.

Rotterdam.	Helder.
Amsterdam.	Leeuwarden and Harlinge.
Delfzyl.	Maassluis.
Dordrecht.	Terneuzen.
Flushing.	Tiel.
Groningen.	Utrecht.
The Hague and Scheveningen.	Ymuiden.

ITALY.

Genoa.	Savona.
Spezia.	

SCHEDULE II.

FORM OF CERTIFICATE OF ORIGIN.

I, _____ hereby certify that Mr. _____
 (Producer, Manufacturer, Merchant, Trader, etc.), residing at _____
 in this town has declared before me
 that the merchandise designated below, which is to be shipped from this
 town to _____, consigned to _____ (Merchant,
 Manufacturer, etc.), in the United Kingdom, is not of German, Austrian,

or Hungarian production or manufacture, and has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

No. and description of cases.	Marks.	Numbers.	Weight or quantity.	Total Value.	Contents.

This certificate is valid for a period of not more than from the date hereof.

(Signature of
person declaring).

(Signature of Consular Authority
issuing certificate, and date.)

SCHEDULE III.

FORM OF STATUTORY DECLARATION.

I, _____ of _____ do solemnly and sincerely declare as follows:—

I have made all necessary inquiries in order to satisfy myself as to the ultimate destination of the goods, particulars of which are set out in the Schedule below, to be exported by me or on my behalf on board _____ to _____ and consigned to _____ of _____ and do hereby declare that to the best of my knowledge and belief none of such goods are intended for consumption in any State at present at War with His Majesty, and I make this Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

SCHEDULE.

No. and description of cases.	Marks.	Numbers.	Weight or quantity.	Total Value.	Contents.

Declared before me this _____ day of _____
(Signature of Commissioner
of Oaths or Justice of the Peace.)

(Signature of Declarant.)

*Bombay Castle, 20th October 1914.**

No. 10031.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 25-W., dated Simla, the 17th October 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of the notifications of the Government of India in this Department Nos. 6722† and 6788‡, dated the 5th August 1914 and Nos. 7104|| and 7991§, dated the 10th and 29th August 1914, respectively, the Governor General in Council is pleased to prohibit or restrict the taking out of British India by sea or by land of the classes of goods specified in column I of the annexed schedule subject to the exception specified in column II thereof :

Provided that nothing in this notification shall apply to—

- (i) Goods shipped by or for the use of the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in—
 - (a) French or Portuguese possessions in India ;
 - (b) Native States in India ;
 - (c) Ceylon ; or
 - (d) The Straits Settlements ;
- (iv) Goods shipped for use or consumption during voyage.

SCHEDULE.

Column I, Prohibited Goods.	Column II, Exceptions.
Ammunition and explosives, and the materials used in their manufacture ; Arms, guns and gun mountings of all descriptions, with their component parts ; Accountrements ; Armour plates ; Balloons, kites, air-ships and aeroplanes, including parts thereof ; Benzine and petrol	Except 'Saltpetre' to the United Kingdom. Except to the United Kingdom. or to a British possession.
Bullocks	Except exports by land.
Camels	Except exports by land.
Coal, Welsh	Except in quantities sufficient for bunker requirements.

*Published in Bom. G. G., Oct. 22nd, 1914, Part I, p. 2509.

†Republished at page 1789 of the Bom. G. G. Extraordinary, Part I, dated 7th August 1914.

‡Republished at page 1795 of the Bom. G. G. Extraordinary, Part I, dated 8th August 1914.

||Republished at page 1900 of the Bom. G. G. Extraordinary, Part I, dated 13th August 1914.

§Republished at page 2060 of the Bom. G. G., Part I, dated 3rd September 1914.

Column I, Prohibited Goods.	Column II, Exceptions.
Entrenching tools ; Fuses and detonators ; Heliographs, signal flags, and naval and military signalling apparatus of all descriptions, including wireless telegraphy apparatus ; Horses Leather (hides tanned—buffalo and cow) .. Lead, pig Manganese and Wolfram Marine boilers and engines, including any parts thereof ; Materials used in ship construction ; .. Medical and surgical stores and equipment of every description Mining cables ; Mules Naval and Military stores of every description, including tents, uniform, boots, shoes, harness and other equipment ;	 Except exports by land. • Except to the United Kingdom. Except to the United Kingdom. Except to the United Kingdom and France. Except 'Teak' to the United Kingdom. Except exports by land. Except exports by land.

*Bombay Castle, 24th November 1914.**

No. 11547.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 974-W., dated Delhi, the 21st November 1914.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

THE 19TH DAY OF OCTOBER 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade ;

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade in the following words :

*Published in Bom. G. G., Nov. 26th, 1914, Part I, p. 2868.

(1) That the prohibition of the export of the undermentioned articles from the United Kingdom, established by the Order of Council of the 11th September 1914,* be withdrawn from this date :—

Molasses, invert sugar, and all sugar and extracts from sugar which cannot be completely tested by the polariscope.

(2) That the prohibition of the export to all destinations of sugar, unrefined, and of sugar refined and candy, established by the same Order of Council, be withdrawn so far as regards exports to the following destinations :—

The Channel Islands ;

Malta ;

Gibraltar ; •

Falkland Islands ;

St. Helena ;

The East Africa Protectorate ;

British West African Colonies and Protectorates.

(3) That the following articles be deleted from the list of articles prohibited from being exported to foreign ports in Europe and on the Mediterranean and Black Seas with the exception of those of France, Russia (except Baltic ports), Belgium, Spain and Portugal, established by His Majesty's Proclamations of the 5th and 20th August 1914,† and by the Order of Council of the 25th September 1914‡ :—

Uniform clothing ;

Men's marching and shooting boots ;

Heliographs ;

Horse and pony shoes ;

Graphite.

(4) That the export of the following articles to foreign ports in Europe and on the Mediterranean and Black Seas with the exception of those of France, Russia (except Baltic ports), Belgium, Spain and Portugal be prohibited, *viz.* :—

Undressed goat skins ;

Sheep skins, woolled (*i.e.*, with the wool left on) ;

Graphite, suitable for the manufacture of crucibles.

(5) That the export of the following articles be prohibited to all foreign ports other than those situated in His Majesty's Dominions, Colonies not possessing Responsible Government, Possessions and Protectorates :—

Woollen and worsted yarns ;

All woollen and worsted cloth, without pattern (except women's dress stuffs and cloth manufactured from merino wool) if suitable for uniform clothing ;

*Republished at pages 2456—2457 of the Bom. G. G., Part I, dated 15th October 1914.

†Republished respectively at pages 2155—2156 of the Bom. G. G., Part I, dated 17th September 1914, and pages 2210—2211 of the Bom. G. G., Part I, dated 24th idem.

‡Republished at pages 2628—2629 of the Bom. G. G., Part I, dated 5th November 1914.

Uniform clothing ;

Cardigan jackets, woollen jerseys, woollen gloves, woollen socks and men's woollen underwear of all kinds ;

(6) That the export of the following articles be prohibited to all destinations :—

Compasses other than ships' compasses ;

Signalling lamps operated by electricity, and capable of being used for signalling Morse or other code ;

Men's heavy boots ;

Horseshoes ;

Heliographs ;

Woollen waste ;

Woollen rags applicable to other uses than manure, pulled or not,

Woollen tops ;

Woollen nails.

Now, THEREFORE, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

Bombay Castle, 27th October 1914.

*No. 10276.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 168-W., dated Simla, the 24th October 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following entry shall be inserted in the schedule appended to the notification in the Department of Commerce and Industry No. 25.-W.,† Customs, dated the 17th October 1914.

SCHEDULE.

Column I. Prohibited goods.	Column II. Exceptions.
Rubber (raw or manufactured)	Except to the United Kingdom or to a British Possession.

(Signed) R. E. ENTHOVEN

Secretary to the Government of India."

*Published in Bom. G. G., Oct. 29th, 1914, Part I, p. 2558.

†Republished at pages 2509-2510 of the Bombay Government Gazette, Part I, date 1 22nd October, 1914.

*No. 10277.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 187-W., dated Simla, the 24th October 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of jute, raw or manufactured, to all ports in Europe and on the Mediterranean and Black Sea, other than those of the United Kingdom, Russia (except the Baltic ports), France, Spain and Portugal.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 28th October 1914.

† No. 10386.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 203-W., dated Simla, the 26th October 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Hides and Skins (raw) to all ports in Europe and on the Mediterranean and Black Sea, other than those of the United Kingdom, Russia (except the Baltic ports), France, Spain and Portugal.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”
By order of His Excellency the Right Honourable the Governor in Council,
G. S. CURTIS,
Acting Chief Secretary to Government.

Bombay Castle, 15th December 1914.

‡ No. 12525.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 1682-W., dated Delhi, the 12th December 1914.

In supersession of the Notification in this Department, No. 420-W.,** Commerce and Trade, dated the 31st October 1914, the following Royal Proclamation is published for general information :—

* Published in the Bom. G. G., Oct. 29th, 1914, Part I, p. 2559.

† Published in Bom. G. G. Extraordinary, Oct. 28th, 1914, p. 2545a.

‡ Published in the Bom. G. G., Dec. 17th, 1914, Part I, p. 3029.

** Republished at page 2660 of the Bom. G. G., Part I, dated 5th November, 1914.

BY THE KING.

A PROCLAMATION.

Extending the Prohibitions contained in the Proclamation of the 9th September 1914, relating to Trading with the Enemy.

GEORGE, R. I.

WHEREAS by OUR Proclamation dated the 9th day of September 1914,† called the Trading with the Enemy Proclamation, No. 2, certain prohibitions, as therein more specifically set forth, were imposed upon all persons therein referred to :

And whereas by OUR Proclamation dated the 30th day of September 1914,* the prohibitions contained in the Trading with the Enemy Proclamation, No. 2, were extended, and the importation of sugar was prohibited as therein more specifically set forth :

And whereas by OUR Proclamation dated the 8th day of October 1914,‡ OUR Proclamation of the 9th September 1914, called the Trading with the Enemy Proclamation, No. 2, was amended as therein more specifically set forth :

And whereas it is desirable to revoke OUR Proclamation dated the 30th day of September 1914 :

NOW, THEREFORE, WE have thought fit, by and with the advice of Our Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The aforesaid Proclamation of the 30th day of September is hereby as from the date hereof revoked, and from and after the date hereof this present Proclamation is substituted therefor.

2. The importation into the United Kingdom of all sugar is hereby prohibited, provided that the foregoing prohibition shall not extend to sugar (not being raw or refined sugar made or produced by an enemy or in an enemy country, or refined sugar made or produced from raw sugar made or produced by an enemy or in an enemy country)—

(a) cleared from the port of shipment to this country on or before the 26th October 1914.

(b) imported under contract made prior to the 4th August 1914.

3. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by OUR license, or by the license given on OUR behalf by a Secretary of State or the Board of Trade, whether such license be granted especially to individuals or be announced as applying to classes of persons.

4. The words 'enemy' and 'enemy country' and 'person' shall have the same meaning in this OUR Proclamation as in OUR said Proclamation of the 9th day of September 1914.

† Republished at page 2660 of the Bom. G. G., Part I, dated 5th November 1914.

* Republished at pages 2837—2839 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

‡ Republished at pages 2839—2840 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

Given at OUR Court at Buckingham Palace, this Twenty-sixth day of October, in the year of OUR Lord one thousand nine hundred and fourteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

Bombay Castle, 30th November 1914.

*No. 11852.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 1183-W., dated Delhi, the 28th November 1914.

In supersession of the Notification in this Department, No. 579,† dated the 7th November 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Revising the List of Contraband of War.

GEORGE, R. I.

WHEREAS on the fourth day of August 1914, WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as contraband of war during the war between Us and the German Emperor ; and

Whereas on the twelfth day of August 1914, WE did by OUR Royal Proclamation of that date extend OUR Proclamation aforementioned to the war between Us and the Emperor of Austria, King of Hungary ; and

Whereas on the twenty-first day of September 1914, WE did by OUR Royal Proclamation of that date make certain additions to the list of articles to be treated as contraband of war ; and

Whereas it is expedient to consolidate the said lists and to make certain additions thereto ;

Now, Therefore, WE do hereby declare, by and with the advice of OUR Privy Council, that the lists of contraband contained in the schedules to OUR Royal Proclamations of the fourth day of August and the twenty-first day of September aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until WE do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

*Published in Bom. G. G., Dec. 3rd, 1914, Part I, p. 2913.

†Republished at pages 2716—2717 of the Bom. G. G., Part I, dated the 12th November 1914.

3. Powder and explosives specially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges and their distinctive component parts.
6. Range-finders and their distinctive component parts.
7. Clothing and equipment of a distinctively military character.
8. Saddle, draught, and pack animals, suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armour plates.
12. Hæmatite iron ore and hæmatite pig iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Ferro-chrome and chrome ore.
16. Copper, unwrought.
17. Lead, pig, sheet, or pipe.
18. Aluminium.
19. Ferro-silica.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Aeroplanes, airships, balloons and aircraft of all kinds, and their component parts, together with accessories and articles recognisable as intended for use in connection with balloons and aircraft.
23. Motor vehicles of all kinds and their component parts.
24. Motor tyres; rubber.
25. Mineral oils and motor spirit, except lubricating oils.
26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war materials for use on land and sea.

SCHEDULE II.

1. Foodstuffs.
2. Forage and feeding-stuffs for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Sulphur.
11. Glycerine.

12. Horseshoes and shoeing materials.
13. Harness and saddlery.
14. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather undressed or dressed, suitable for saddlery, harness, or military boots.
15. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at OUR Court at Buckingham Palace, this Twenty-ninth day of October in the year of OUR Lord one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

N.B.—The Government of India instead of publishing the full text of the above Proclamation in the first instance only published on the 7th November 1914, the addition that had been made to the lists of contraband by the Royal Proclamation (vide Bom. G. G., Nov. 12th, 1914, Part I, p. 2717). The text in full was however republished as above.

NOTIFICATIONS.

POLITICAL DEPARTMENT.

Bombay Castle, 8th November 1914.

*No. 2735-W.—The following Proclamation by His Majesty the King is republished for general information and guidance:—

BY THE KING.

A PROCLAMATION.

Extending to the War with Turkey the Proclamations and Orders in Council now in force relating to the War.

GEORGE, R. I.

Whereas owing to hostile acts committed by Turkish Forces under German Officers a state of war now exists between Us and the Sultan of Turkey;

And whereas on the 4th day of August 1914 a state of war came into existence between Us and the German Emperor:

And whereas We did on the same date and on certain other dates subsequent thereto issue certain Proclamations and Orders in Council connected with such state of war:

And whereas on the 12th day of August 1914 a state of war came into existence between Us and the Emperor of Austria, King of Hungary:

And whereas certain of the aforesaid Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Emperor of Austria, King of Hungary:

And whereas it is desirable now to provide for the state of war between Us and the Sultan of Turkey:

And whereas the Convention relating to the status of enemy merchant vessels at the outbreak of hostilities signed at the Hague on the 18th October

*Published in the Bom. G. G. Extraordinary, Nov. 9th, 1914, Part I, p. 2668.

1907 has not been ratified by the Sultan of Turkey and therefore WE do not think fit to extend to Turkish ships the Order in Council issued on the 4th day of August 1914 with reference to the departure from our ports of enemy vessels which at the outbreak of hostilities were in any such ports or which subsequently entered the same:

Now, therefore, WE have thought fit by and with the advice of OUR Privy Council to issue this OUR Royal Proclamation declaring and it is hereby declared as follows:—

1. The Proclamations and Orders in Council issued with reference to the state of war between Us and the German Emperor or with reference to the state of war between Us and the Emperor of Austria, King of Hungary, other than the Order in Council issued on the 4th August 1914 with reference to the departure from OUR ports of enemy vessels which at the outbreak of hostilities were in any such port or which subsequently entered the same shall, if still in force, apply to the state of war between Us and the Sultan of Turkey as from this fifth day of November 1914.
2. The Proclamation issued on the 5th day of August 1914 warning all OUR subjects and all persons resident or being in OUR Dominions from contributing to or participating in or assisting in the floating of any loan raised on behalf of the German Government or from advancing money to or entering into any contract or dealings whatsoever with the said Government or otherwise aiding, abetting or assisting the said Government, shall be deemed as from this fifth day of November 1914 to apply to all loans raised on behalf of or contracts or dealings entered into with or to aiding, abetting or assisting the Ottoman Government.
3. The words " Enemy Country " in any of the Proclamations or Orders in Council referred to in Article 1 of this Proclamation shall include the Dominions of His Imperial Majesty the Sultan of Turkey, other than Egypt,† Cyprus,† and any territory in the occupation of Us or OUR allies.

Given at OUR Court at Buckingham Palace this fifth day of November in the year of OUR Lord one thousand nine hundred and fourteen.

GOD SAVE THE KING.

IMPORTS AND EXPORTS.

Board of Trade Notice, dated November 7th, 1914, to Importers and

Superseded by Exporters.*

notice of 1. The attention of importers and exporters is.
20th April, directed to the provisions of His Majesty's Proclamation
1915, p. 408. dated the 9th September, relating to Trading with the
Enemy. By paragraph 5 (7) of this Proclamation all persons resident,

†Egypt is now a British Protectorate. (Manual of Emergency Legislation, Supp., p. 371.)

†Cyprus is now a British Possession (Manual of Emergency Legislation, Supp., p. 76.)

* This Notice supersedes that of October 9th, 1914.

carrying on business, or being in His Majesty's Dominions are warned "not directly or indirectly to supply to or for the use or benefit of, or obtain from an enemy country or an enemy any goods, wares or merchandise; nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or from an enemy; nor directly or indirectly to trade in or carry any goods, wares, or merchandise destined for or coming from an enemy country or an enemy." It is further provided by paragraph 3 that the expression "enemy" in the Proclamation means "any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country."

2. With a view to preventing breaches of this Proclamation it is hereby notified that the Commissioners of His Majesty's Customs and Excise have been authorized by His Majesty's Government to require Certificates of Origin or Declarations of Ultimate Destination respectively to be presented in respect of all goods, wares, or merchandise imported into or exported from the United Kingdom in trade with any foreign place in Europe or on the Mediterranean or Black Sea, with the exception of those situated in Russia, Belgium, France, Spain, and Portugal.

3. Declarations of Ultimate Destination will consequently be required until further notice in respect of all exports, without regard to value of consignments, to all the foreign places referred to above.

4. For the present, however, Certificates of Origin will not be required in respect of imports of foodstuffs, of timber of any kind (including pit-props), straw-board, wood pulp, iron ore, granite, ice, tar, or carbide of calcium, or in respect of any imports from places other than those situated in Norway, Sweden, Denmark, Holland, Switzerland, and Italy, or in respect of individual consignments not exceeding £25 in value. The Certificates and Declarations referred to must be in the form prescribed by the schedules I and II hereto.

5. Any goods, wares, or merchandise imported from the above-mentioned foreign places, except as provided in paragraph 4, unaccompanied by Certificates of Origin will be detained by the Commissioners of Customs and Excise until the requisite Certificates are produced. The Commissioners, are, however, authorized in such cases, and at their discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the necessary Certificates within a prescribed period, provided that they see no reason for suspecting that the goods emanate from an enemy country.

6. Goods, wares, or merchandise sought to be exported to any foreign places in Europe or on the Mediterranean or Black Sea, with the exception of those situated in Russia, Belgium, France, Spain, and Portugal, will not be allowed to be shipped until Declarations of Ultimate Destination in the form prescribed have been lodged with the proper Customs Authority . .

7. A single Declaration of Ultimate Destination may be used to cover any number of consignments by the same exporter from the same port by the same ship at the same time.

8. Declarations of Ultimate Destination must be made by the actual exporter or by some responsible representative of the actual exporter (or in the case of a limited Company by a Director, Secretary, Manager, or other responsible Officer) having a personal and first-hand knowledge of the inquiries made and of the facts stated in the Declaration. Carrying Agents are not regarded as competent to make the Declaration.

9. The following goods will be exempt from these requirements:—

- (a) Goods imported under license;
- (b) Goods shipped for the United Kingdom on or before the 19th November and hitherto exempted;
- (c) Goods in respect of which customs export entries have been accepted before the publication of this notice.

Board of Trade,

7th November, 1914.

SCHEDULE I.

FORM OF CERTIFICATE OF ORIGIN.

I, _____ hereby certify that Mr. _____
(Producer, Manufacturer, Merchant, Trader, etc.) residing at _____
in this town has declared before me that the merchandise designated below, which is to be shipped from this town to _____, consigned to _____ (Merchant, Manufacturer, etc.), in the United Kingdom, has not been produced or manufactured in enemy territory, and that he has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

No. and description of cases.	Marks.	Numbers.	Weight or quantity.	Total value.	Contents.

This certificate is valid only for a period of not more than _____ from the date hereof:

(Signature of
person declaring.)

(Signature of Consular Authority
issuing Certificate, and date.)

SCHEDULE II.

FORM OF STATUTORY DECLARATION.

I, _____ of _____ do solemnly and sincerely declare as follows :—

I have made all necessary inquiries in order to satisfy myself as to the Ultimate Destination of the goods, particulars of which are set out in the Schedule below, to be exported by me, or on my behalf, on board _____ to _____ and consigned to _____ of _____ and do hereby declare that to the best of my knowledge and belief none of such goods are intended for consumption in, or for transit through, any State at present at war with His Majesty, and I make this Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act., 1835.

SCHEDULE.

No. and description of cases.	Marks.	Number.	Weight or quantity.	Total Value.	Contents.

Declared before me this _____ day of _____
 (Signature of Commissioner of Oaths or Justice of the Peace.) (Signature of Declarant.)

*No. 12526.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 1683-W., dated Delhi, the 12th December, 1914.

In supersession of the Notifications in this Department Nos. 9182, 9183, 9184 and 9185† dated the 12th September 1914, 9780‡ dated the 19th September 1914, 10667 § dated the 3rd October 1914, 11016†† and 11017†† dated the 10th October 1914, 343-W.¶ dated the 31st October 1914, 554-W|| dated the

*Published in Bom. G. G., Dec. 17th, 1914, Part I, p. 3030.

†Republished at pages 2154—2158 of the Bom. G. G., Part I, dated 17th September 1914.

‡Republished at pages 2210—2211 of the Bom. G. G., Part I, dated 24th September 1914.

§Republished at pages 2319—2320 of the Bom. G. G., Part I, dated 8th October 1914.

††Republished at pages 2455—2457 of the Bom. G. G., Part I, dated 15th October 1914.

¶Republished at pages 2628—2629 of the Bom. G. G., Part I, dated 5th November 1914.

||Republished at page 2716 of the Bom. G. G., Part I, dated 12th November 1914.

7th November 1914, and 974-W* dated the 21st November 1914, the following Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Prohibiting under section 8 of 'The Customs and Inland Revenue Act, 1879,' and section 1 of 'The Exportation of Arms Act, 1900,' and section 1 of 'The Customs (Exportation Prohibition) Act, 1914,' the Exportation from the United Kingdom of Warlike Stores.

GEORGE, R.I.

WHEREAS by section 8 of 'The Customs and Inland Revenue Act, 1879,' it is enacted that the exportation of arms, ammunition, and gunpowder, military and naval stores and any article which WE shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man may be prohibited by Proclamation :

And whereas by section 1 of 'The Exportation of Arms Act, 1900,' it is enacted that WE may by Proclamation prohibit the exportation of all or any of the following articles, namely, arms, ammunition, military and naval stores, and any article which WE shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named whenever WE shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against OUR subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with OUR forces.

And whereas by section 1 of 'The Customs (Exportation Prohibition) Act, 1914,' it is enacted that section 8 of the aforesaid Customs and Inland Revenue Act, 1879, shall have effect while a state of war in which WE are engaged exists as if in addition to the articles therein mentioned there were included all other articles of every description :

And whereas it is further enacted by section 2 of 'The Customs (Exportation Prohibition) Act, 1914,' that any Proclamation or Order in Council made under section 8, as so amended, of the Customs and Inland Revenue Act, 1879, may whilst a state of war exists be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas various Proclamations and Orders dated respectively the 3rd, 5th, 10th, 20th and 28th August, the 1st, 8th, 11th and 25th September and the 6th and 19th October, prohibiting the exportation of certain articles therein referred to from the United Kingdom to certain or all destinations, have been issued in pursuance of the aforesaid powers :

*Republished at pages 2869—2870 of the Bom. G. G., Part I, dated 26th November 1914.

And whereas it is expedient that these various Proclamations and Orders should be consolidated, with amendments and additions and that such Proclamations and Orders should be revoked :

And whereas the articles, other than arms, ammunition, or military or naval stores hereinafter enumerated are articles which WE judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores :

And whereas in order to prevent such arms, ammunition, or military or naval stores being used against OUR subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with OUR forces, WE have deemed it expedient to prohibit the exportation of the articles hereinafter enumerated :

Now, therefore,* WE have thought fit by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation, declaring, and it is hereby declared that, the abovementioned Proclamations and Orders be and the same are hereby revoked :

And WE have further thought fit by and with the advice aforesaid, and in virtue and in exercise of the powers aforesaid, to further declare, and it is hereby declared, as follows :—

That the exportation of the following goods be prohibited to all destinations :—

- Acetanilide ;
- Acetone ;
- Acetylsalicylic acid (aspirin) ;
- Aconite and its preparations and alkaloids ;
- Aeroplanes, airships, balloons, of all kinds, and their component parts ;
- Alcohol, methylic ;
- Ammonium sulphocyanide ;
- Animals, pack, saddle, and draught, suitable for use in war ;
- Antimony ;
- Antipyrine (phenazone) ;
- Belladonna and its preparations and alkaloids ;
- Benzoic acid (synthetic) and benzoates ;
- Benzol ;
- Blankets, coloured, exceeding 31/2 lbs. in weight known as 'woollen' blankets.
- Boots, heavy, for men ;
- Bromine and alkaline bromides ;
- Cantharides and its preparations ;
- Carbolic acid ;
- Carbons suitable for searchlights ;
- Cartridges, charges of all kinds, and their component parts, other than sporting cartridges, charges and their component parts ;
- Caustic potash ;
- Chloral and its preparations, including chloramid ;
- Chrome and ferro-chrome ;
- Cloth, hempen ;

Coal sacks ;
 Coal tar products for use in dye manufacture, except aniline oil and aniline salt ;
 Coca and its preparations and alkaloids ;
 Collodion ;
 Compasses, other than Ships' compasses ;
 Cotton waste of all descriptions ;
 Cresol and all preparations thereof (including cresylic acid), and nitro-cresol ;
 Diethylbarbituric acid (veronal) and veronal sodium ;
 Dimethylaniline ;
 Dyes and dyestuffs obtained from coal tar ;
 Emetin hydrochlor ;
 Ergot of rye, not including liquid extract or other medicinal preparations of ergot ;
 Eucaïne hydrochlor ;
 Field glasses and telescopes ;
 Fire-arms, rifled, of all kinds, and their component parts ;
 Forage and food of all kinds for animals ;
 Formic aldehyde ;
 Fulminate of mercury ;
 Gentian and its preparations ;
 Glycerine, crude and refined ;
 Goldbeaters' skin ;
 Guncotton ;
 Gunpowder ;
 Harness and saddlery which can be used for military purposes ;
 Heliographs ;
 Hemp cordage and twine, not including cordage or twine of manila hemp or reaper or binder twine ;
 Henbane and its preparations ;
 Hexamethylene tetramin (urotropin) and its preparations.
 Hides of all kinds, dry or wet ;
 Horseshoes ;
 Hydrobromic acid ;
 Hydroquinone ;
 Indigo, natural ;
 Ipecacuanha ;
 Khaki woollen cloth ;
 Lead, pig, sheet or pipe ;
 Leather, undressed or dressed, suitable for saddlery, harness or military boots ;
 Manganese, including ferro-manganese ;
 Mercury ;
 Neo-salvarsan ;
 Nets, torpedo ;
 Nickel ore, nickel and ferro-nickel ;
 Nitrate of sodium ;

Nitrate of thorium ;
Nitrotoluol ;
Novocain ;
Oil, blast furnace ;
Oil, coal tar ;
Oil, fuel shale ;
Oil, mineral, lubricating ;
Oil, olive ;
Oil of turpentine ;
Opium and its preparations and alkaloids ;
Paraffin, liquid, medicinal ;
Paraffin, soft ;
Paraldehyde ;
'Peptone Witte' ;
Peroxide of manganese ;
Petroleum, fuel oil ;
Petroleum, gas oil ;
Petroleum spirit and motor spirit (including Shell spirit
Phenacetin ;
Pigskins, dressed or undressed ;
Potash salts, namely :—
 Bicarbonate ;
 Bichromate ;
 Carbonate ;
 Chlorate ;
 Chloride ;
 Nitrate (saltpetre) ;
 Permanganate ;
 Prussiate ;
 Sulphate ;
Projectiles of all kinds and their component parts ;
Protargol, not including silver proteinate ;
Saccharin (including 'saxin') ;
Salicylic acid and salicylate of soda ;
Salol ;
Salvarsan ;
Santonin and its preparations ;
Signalling lamps operated by electricity and capable of being used
 for signalling Morse or other code ;
Silk cloth, silk braid, silk thread, suitable for cartridges ;
Silk noils ;
Spirits of a strength of not less than 43 degrees above proof ;
Sulphate of zinc ;
Sulphonol ;
Surgical bandages and dressings ;
Tartaric acid and alkaline tartrates ;
Thymol and its preparations ;
Toluol ;

Trional ;
 Tungsten ;
 Wolfram ore ;
 Zinc ;

that the exportation of the following goods be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Belgium Spain and Portugal :—

Accoutrements ;
 Aluminium ;
 Aluminium alloys ;
 Armour plates, armour quality castings, and similar protective material ;
 Abestos ;
 Bags and sacks of all kinds (not including paper bags) ;
 Barbed wire and implements for fixing and cutting the same ;
 Bauxite ;
 Bismuth and its salts ;
 Bladders, casings, and sausage skins ;
 Cables, telegraph and telephone ;
 Camp equipment, articles of ;
 Camphor ;
 Cannon and other ordnance, and parts thereof ;
 Carriages and mountings for cannon and other ordnance and for machine guns, and parts thereof ;
 Castor oil ;
 Chronometers and all kinds of nautical instruments ;
 Compasses for ships, and parts thereof, including fittings such as binnacles ;
 Copper ore ;
 Copper, unwrought or part wrought, all kinds, including unwrought brass, gunmetal, naval brass, and delta metal ;
 Engine and boiler packings ;
 Explosives of all kinds ;
 Farriers', carpenters', wheelers' and saddlers' tools ;
 Ferro-silicon ;
 Fire-arms, unrifled, for sporting purposes ;
 Flaxen canvas, namely :—
 Hammock canvas ;
 Kitbag canvas ;
 Merchant Navy canvas ;
 Royal Navy canvas ;
 Four-wheeled wagons, capable of carrying 1 ton and over ;
 Goat skins, undressed ;
 Graphite, suitable for the manufacture of crucibles ;
 Herring, cured or salted ;
 Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms or of war materials for use on land and sea ;

India rubber sheet, vulcanised ;
Intrenching tools, intrenching supplements, picks and grubbers,
whether of combination pattern or otherwise, and helves and
handles for the same ;
Iodine and its preparations and compounds ;
Iron ore ;
Iron, hæmatite pig ;
Iron pyrites ;
Jute, raw ;
Jute yarns ;
Jute piece-goods ;
Linen close canvas ;
Linen duck cloth ;
Material for telegraphs, wireless telegraphs, and telephones ;
Mercury, salts and preparations of ;
Mica ;
Military equipments ;
Mineral jellies ;
Mines, and parts thereof ;
Molybdenum and ferro-molybdenum ;
Nitrate of ammonia ;
Nitric acid ;
Nux vomica and its alkaloids and preparations ;
Pickaxes, shovels, and spades of all descriptions, and helves and
handles for the same ;
Picric acid and its components ;
Portable forges ;
Railway material, both fixed and rolling stock ;
Range finders, and parts thereof ;
Rope (steel wire) and hawsers ;
Rubber, raw ;
Shantung silk in the piece ;
Sheep skins woollen, *i.e.*, with the wool left on ;
Shipbuilding materials, namely :—
Boiler tubes ;
Condenser tubes ;
Iron and steel castings and forgings for hulls and machinery of
ships ;
Iron and steel plates and sectional materials for shipbuilding ;
Marine engines, and parts thereof ;
Ships' auxiliary machinery ;
Sounding machines and gear ;
Steam vessels, lighters, barges and boats of all descriptions,
Sulphur ;
Sulphuric acid ;
Swords, bayonets, and other arms (not being fire-arms), and parts
thereof ;
Torpedo tubes ;

Torpedoes, and parts thereof ;
 Two-wheeled carts, capable of carrying 15 cwt., and over ;
 Tyres for motor-vehicles ;
 Vanadium and ferro-vanadium ;
 Walnut wood of scantling which could be made into rifle butts or fore-ends ;

that the exportation of the following goods be prohibited to all destinations abroad other than His Majesty's Dominions, Colonies not possessing Responsible Government, British India, Territories under His Majesty's Protection, Cyprus, the Channel Islands, and Egypt :—

Cartridges, charges of all kinds, and their component parts, for sporting purposes ;

Provisions and victuals which may be used as food for men, namely—

Animals, living, for food ;

Barley and oats ;

Butter ;

Cheese ;

Eggs ;

Margarine ;

Wheat and wheat flour ;

Wool, raw, (sheep and lambs') ;

Wool tops ;

Wool noils ;

Wool waste ;

Woollen rags applicable to other uses than manure, pulled or not ;

Woollen and worsted yarns ;

All woollen and worsted cloth suitable for uniform clothing, not including women's dress stuffs or cloth with pattern ;

Uniform clothing ;

Cardigan jackets, woollen jerseys, woollen gloves, woollen socks, and men's woollen underwear of all kinds ;

that the exportation of—

Sugar, refined and candy ;

Sugar, unrefined ;

be prohibited to all destinations other than—

The Channel Islands ;

Malta ;

Gibraltar ;

Falkland Islands ;

St. Helena ;

East Africa Protectorate ;

British West African Colonies and Protectorates ;

that the carriage coastwise of 'Animals' pack, saddle, and draught, suitable for use in war be prohibited.

Given at OUR Court at Buckingham Palace, this Tenth day of November, in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 14th November 1914.

*No. 11090.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 735-W., dated Delhi, the 10th November 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Wool (Raw) to all ports other than those of the United Kingdom, Russia (except the Baltic ports) and France.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,
G. CARMICHAEL,
Chief Secretary to Government.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 23rd November 1914.

†No. 11478.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 950-W., dated Delhi, the 20th November, 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the Notification in this Department, No. 735-W.,* dated the 10th November 1914, the Governor General in Council is pleased to prohibit the taking of Wool (Raw) by sea or by land out of British India.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,
G. CARMICHAEL,
Chief Secretary to Government.

*Published in Bom. G. G. Extraordinary, Sat., 14th Nov., 1914, Part I, p. 2718.

†Published in Bom. G. G. Extraordinary, of 23rd Nov. 1914, Part I, p. 2841.

*Republished in the Bom. G. G. Extraordinary, dated 14th November 1914.

Bombay Castle, 28th December 1914.†

No. 13032.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2106-W., dated Delhi, 26th December, 1914.

The following Order in Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 20th day of November, 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade ;

And whereas there was this day read at the Board a recommendation from the Board of Trade to the effect :—

That there should be added to the list of prohibitions of export to all destinations, contained in the Proclamation dated the 10th day of November, 1914,* the following article :—

Rubber, raw,

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved ;

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,
(Signed) R. E. ENTHOVEN,
Secretary to the Government of India.”

Bombay Castle, 18th January 1915.

†No. 612.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 491-W., dated Delhi, the 16th January 1915.

The following Order in Council is republished for general information :

AT THE COUNCIL CHAMBER, WHITEHALL.

The 5th day of December 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made

†Published in Bom. G. G., dated 31st December 1914, Part I, pp. 3262 and 3263.

*Republished at pp. 3030—3033 of Bom. G. G., Part I, dated 17th December 1914.

‡Published in Bom. G. G., Jan. 21st 1915, Part I, p. 212.

under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 10th day of November 1914, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation dated the 10th day of November 1914, should be amended by making the following additions to and alterations in the same :—

(1) That the export of the following articles to the ports of Sweden Denmark, and the Netherlands be prohibited, namely :—

Tinned Meats.

Tinplates.

(2) That the export of the following article be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except the Baltic Ports), Belgium, Spain, and Portugal :

Tea.

(3) That the export of the following articles be prohibited to all destinations :

Extracts for use in tanning.

Now, THEREFORE, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

REVENUE DEPARTMENT.

Bombay Castle, 12th December 1914.

*No. 12414.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 1669-W., dated Delhi, 9th December, 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the bringing, by sea or by land, into British India of all goods, from Norway, Sweden, Denmark, Holland, Switzerland, and Italy, unless Certificates of Origin in the form prescribed in the annexed Schedule are presented to the Customs Collector at the port of import in respect of such goods, wares or merchandise :

Provided that nothing in this Notification shall apply to :—

- (a) Goods imported under a general or special license granted by the Governor General in pursuance of the Trading with the Enemy Proclamation No. 2† as amended by the Proclamation of the 8th October, 1914‡ ;
- (b) Goods shipped for India on or before the 21st December, 1914 ;
- (c) Imports of food stuffs, timber of any kind including pit-props, straw board, wood pulp, iron ore, granite, tar or calcium carbide ; and
- (d) Imports of individual consignments not exceeding £25 in value :

Provided also that the Collector of Customs may, at his discretion and if he sees no reason for suspecting that the goods have emanated from an enemy country, allow delivery of any goods, wares or merchandise imported from the above-mentioned countries, even if unaccompanied by Certificates of Origin and not covered by the first proviso to this Notification, on the importer furnishing him with a deposit or bond to the amount of three times the value of the goods to ensure the production of the necessary certificates within a prescribed period.

FORM OF CERTIFICATE OF ORIGIN.

I, _____, hereby certify that Mr. _____
(Producer, Manufacturer, Merchant, Trader, etc.),
residing at _____ in this town has declared before me that
the merchandise designated below, which is to be shipped from this town to
_____, consigned to
(Merchant, Manufacturer, etc.), in India is not of German, Austrian,

*Published in Bom. Govt. Gazette, Part I, dated 12th December 1914, p. 2998.

†Republished at pages 2837-2839 of the Bombay Government Gazette Extraordinary, Part I, dated 20th November 1914.

‡Republished at pages 2839-2840 of the Bombay Government Gazette Extraordinary, Part I, dated 20th November 1914.

Hungarian or Turkish production or manufacture, and has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and description of cases.	Marks.	Numbers.	Weight or quantity.	Total value.	Contents.

This certificate is valid only for a period of not more than from the date hereof.

(Signature of person
declaring.)

(Signature of Consular Authority
issuing Certificates, and date.)

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

*No. 12415.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 1670-W., dated Delhi, 9th December, 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct no goods shall be taken either by sea or by land out of British India to any foreign place in Europe or on the Mediterranean or the Black Seas, with the exception of Russia, Belgium, France, Spain and Portugal, unless Declarations of Ultimate Destination, in the form prescribed in the annexed Schedule and signed by the actual exporter or by some responsible representative of the actual exporter (or in the case of a limited Company by a Director, Secretary, Manager or other responsible officer) having a personal and first-hand knowledge of the inquiries made and of the fact stated in the Declaration, are presented to the Customs Collector at the port of export in respect of such goods, wares or merchandise :

Provided that a single Declaration may be used to cover any number of consignments by the same exporter from the same port by the same ship at the same time :

Provided further that nothing in this Notification shall apply to:—

- (a) Goods exported under a general or special license granted by the Governor General in pursuance of the Trading with the Enemy Proclamation No. 2* as amended by the Proclamation of the 8th October, 1914†; and
- (b) Goods in respect of which shipping bills have been accepted before the 15th December 1914.

FORM OF DECLARATION.

I, _____, of _____,
do solemnly and sincerely declare as follows:—

I have made all necessary inquiries in order to satisfy myself as to the ultimate destination of the goods, particulars of which are set out in the Schedule below, to be exported by me or on my behalf on board _____ to _____, and consigned to _____ of _____, and do hereby declare that to the best of my knowledge and belief none of such goods are intended for consumption in any State at present at war with His Majesty, and I make this declaration conscientiously believing the same to be true.

SCHEDULE.

Number and description of cases.	Marks.	Numbers.	Weight or quantity.	Total value.	Contents.

Dated _____
This _____ day of _____

(Signature of Declarant.)
(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

613.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

*Republished at pages 2837—2839 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

†Republished at pages 2839—2840 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

‡Published in Bom. G. G., Jany. 21st, 1915, Part I, p. 213.

"CUSTOMS.

No. 492-W., dated Delhi, the 16th January 1915.

The following Order in Council is republished for general information :

AT THE COUNCIL CHAMBER, WHITEHALL,

The 11th day of December 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation,* dated the 10th day of November 1914, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited ;

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation dated the 10th day of November, 1914, should be amended by making the following additions to and alterations in the same :

- (1) That the heading ' Picric Acid and its components' should be deleted from the list of articles prohibited to be exported to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports,) Belgium, Spain, and Portugal.
- (2) That the export of the following articles be prohibited to all destinations :—
 - Aniline Oil.
 - Aniline Salt.
 - Picric Acid and its components.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

*Republished at pages 3030-3033 of the Bom. G. G., Part I, dated 17th December 1914.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

*No. 12527.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 1717-W., dated Delhi, the 12th December, 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the words 'other than Nux Vomica, Castor Seed, and Mustard Seed' shall be added after the entry "Medical and surgical stores and equipment of every description' in Column I of the Schedule appended to the notification in the Department of Commerce and Industry, No. 25-W† (Customs), dated the 17th October, 1914.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

Bombay Castle, 25th January 1915.

‡No. 954.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"COMMERCE AND TRADE.

No. 708-W., dated Delhi, the 23rd January 1915.

In supersession of the Notification in this Department, No. 1183-W., †† dated the 28th November 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Revising the List of Articles to be Treated as Contraband of War.

GEORGE, R.I.

WHEREAS on the fourth day of August 1914, We did issue Our Royal Proclamation specifying the articles which it was Our intention to treat as contraband of war during the war between Us and the German Emperor ; and

Whereas on the twelfth day of August 1914, We did by Our Royal Proclamation of that date extend Our Proclamation aforementioned to the war between Us and the Emperor of Austria, King of Hungary ; and

*Published in Bom. G. G., 17th Dec. 1914, Part I, p. 3033.

†Republished at pages 2509 and 2510 of the Bom. G. G., Part I, dated 22nd October 1914.

‡Published in Bom. G. G., Jan. 28th 1915, Part I, p. 288.

††Republished at pages 2913—2914 of the Bom. G. G., Part I, dated 3rd December 1914.

Whereas on the twenty-first day of September 1914, WE did by OUR Royal Proclamation of that date make certain additions to the list of articles to be treated as contraband of war ; and

Whereas on the twenty-ninth day of October 1914, WE did by OUR Royal Proclamation of that date withdraw the said lists of contraband, and substitute therefor the lists contained in the schedules to the said Proclamation ; and

Whereas it is expedient to make certain alterations in and additions to the said lists ;

NOW, THEREFORE, WE do hereby declare, by and with the advice of OUR Privy Council, that the lists of contraband contained in the schedules to OUR Royal Proclamation of the twenty-ninth day of October aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until WE do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

SCHEDULE I.

1. Arms of all kinds including arms for sporting purposes, and their distinctive component parts.

2. Projectiles, charges and cartridges of all kinds, and their distinctive component parts.

3. Powder and explosives specially prepared for use in war.

4. Ingredients of explosives, *viz.*, nitric acid, sulphuric acid, glycerine, acetone, calcium acetate and all other metallic acetates, sulphur, potassium nitrate, the fractions of the distillation products of coal tar between benzol and cresol inclusive, aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, parium chlorate, ammonium nitrate, cyanamide, potassium chlorate, calcium nitrate, mercury.

5. Resinous products, camphor and turpentine (oil and spirit).

6. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.

7. Range-finders and their distinctive component parts.

8. Clothing and equipment of a distinctively military character.

9. Saddles, draught, and pack animals suitable for use in war.

10. All kinds of harness of a distinctively military character.

11. Articles of camp equipment and their distinctive component parts.

12. Armour plates.

13. Ferro alloys, including ferro-tungsten, ferro-molybdenum, ferro-manganese, ferro-venadium, ferro-chrome.

14. The following metals :—Tungsten, molybdenum, vanadium, nickel, selenium, cobalt, hæmatite pig-iron, manganese.

15. The following ores :—Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hæmatite iron ore, zinc ore, lead ore, bauxite.

16. Aluminium, alumina, and salts of aluminium.

17. Antimony, together with the sulphides and oxides of antimony.

18. Copper, unwrought and part wrought, and copper wire.

19. Lead, pig, sheet, or pipe.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Submarine sound-signalling apparatus.
23. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognisable as intended for use in connection with balloons and aircraft.
24. Motor vehicles of all kinds and their component parts.
25. Tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres.
26. Rubber (including raw, waste, and reclaimed rubber) and goods made wholly of rubber.
27. Iron pyrites.
28. Mineral oils and motor spirit, except lubricating oils.
29. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II.

1. Foodstuffs.
2. Forage and feeding-stuffs for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion ; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds ; floating docks, parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Horseshoes and shoeing materials.
11. Harness and saddlery.
12. Hides of all kinds, dry or wet ; pigskins, raw or dressed ; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at OUR Court at Buckingham Palace this Twenty-third day of December, in the year of Our Lord one thousand nine hundred and fourteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

*No. 955.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 709-W., dated Delhi, the 23rd January 1915.

The following Order in Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 23rd day of December 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 10th day of November 1914,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation, dated the 10th day of November 1914, should be amended by making the following additions to and alterations in the same :—

(1) That the heading ‘ Explosives of all kinds ’ should be deleted from the list of prohibitions to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports), Belgium, Spain, and Portugal.

(2) That the export of the following articles should be prohibited to all destinations :—

Explosives of all kinds ;

Valonia ;

Grindery used in the making of boots and shoes.

(3) That the export of ‘ Vessels, craft, and boats of all kinds, floating docks, parts of docks and their component parts ’ should be prohibited to all destinations abroad other than British Possessions and Protectorates.

*Published in Bom. G. G., Jan. 28th, 1915, Part I, p. 289.

†Republished at pages 3030-3033 of the Bom. G. G., Part I, dated 17th December 1914.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 4th January 1915.

*No. 26.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"No. 2192-W., dated Delhi, the 28th December 1914.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to restrict the taking by sea of wheat and wheat flour out of British India in the following manner, namely:—

- (i) No wheat or wheat flour shall be taken by sea out of British India unless it is so taken from the Ports of Calcutta, Bombay or Karachi, and is destined for some place in the United Kingdom or a British Possession;
- (ii) the total quantity of wheat including its equivalent in wheat flour exported from the said Ports shall not exceed the following maxima, namely:—

Calcutta..	..	..	..	..	8,000 Tons.
Bombay..	..	..	..	..	15,000 „
Karachi ..	..	..	..	..	55,000 „

For the purposes of this Notification thirteen cwt. of wheat flour shall be reckoned as the equivalent of one ton of wheat.

2. This Notification shall cease to have effect on the 1st April 1915.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,

Chief Secretary to Government.

1915.

APPENDIX III.—*continued.*

*No. 1569.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 1210-W., dated Delhi, the 6th February 1915.

The following Order in Council is republished for general information :

AT THE COUNCIL CHAMBER, WHITEHALL,

The 4th day of January 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 10th day of November 1914, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation, dated the 10th day of November 1914, should be amended by making the following additions to the same :

- (1) That the exportation of the following articles should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic Ports), Belgium, Spain and Portugal :

Clover and grass seeds ;

Motor Vehicles of all kinds and their component parts.

- (2) That the exportation of :

Fish (whale) oil, viz., train, blubber, sperm or head matter, should be prohibited to all destinations abroad.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India.”

Proclamation, dated January 7th, 1915, extending the Trading with the Enemy Proclamation (No. 2) and the Proclamation of October 8th, 1914, amending the same.

1915. No. 3.

BY THE KING.

A Proclamation relating to Trading with the Enemy.

GEORGE, R.I.

Whereas by OUR Proclamation dated the 9th day of September 1914, called the Trading with the Enemy Proclamation No. 2, certain prohibitions as therein more specifically set forth, were imposed upon all persons therein referred to ;

And whereas by OUR Proclamation dated the 8th day of October 1914, the Trading with the Enemy Proclamation No. 2 was amended as therein more specifically set forth ;

And whereas by OUR Proclamation dated the 5th day of November, 1914, it was declared that the aforesaid Proclamations, amongst others, should apply to the state of war existing between Us and the Sultan of Turkey :

And whereas it is desirable to extend the scope of the prohibitions contained in the aforesaid Proclamations in the manner hereinafter appearing :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation, declaring, and it is hereby declared, as follows :—

1. Notwithstanding anything contained in paragraph 6 of the Trading with the Enemy Proclamation No. 2, transactions hereinafter entered into by persons, firms or companies resident, carrying on business, or being in the United Kingdom ;

(a) in respect of banking business with a branch situated outside the United Kingdom of an enemy person, firm or company, or

(b) in respect of any description of business with a branch situated outside the United Kingdom of an enemy bank,

shall be considered as transactions with an enemy :

Provided that the acceptance, payment or other dealing with any negotiable instrument which was drawn before the date of this Proclamation shall not, if otherwise lawful, be deemed to be a transaction hereafter entered into within the meaning of this paragraph.

2. The power to grant licenses on OUR behalf vested by paragraph 8 of the Trading with the Enemy Proclamation No. 2 (b) in a Secretary of State or the Board of Trade, may also be exercised by the Lords Commissioners of OUR Treasury.

3. If the Governor in Council of any British Possession shall issue a Proclamation extending the provisions of this Proclamation to transactions by persons, firms or companies resident, carrying on business or being in that possession such first-mentioned Proclamation shall have effect as if it were part of this Proclamation.

4. This Proclamation shall be read as one with the Trading with the Enemy Proclamation No. 2 and with OUR Proclamation dated the 8th day of October, amending the same.

Given at OUR Court at Buckingham Palace, this 7th day of January, in the year of Our Lord One thousand nine hundred and fifteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

*No. 1848.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 1769-*W.*, dated Delhi, the 13th February 1915.

The following Order, in Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 8th day of January 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :—

And whereas by a Proclamation, dated the 10th day of November 1914,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by an Order of Council, dated the 5th day of December 1914, the said Proclamation was varied and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 10th day of November 1914,† as varied and added to by the said Order of Council, dated the 5th day of December 1914, should be amended by making the following additions to and alterations in the same :

*Published in Bom. G. G., Feb. 18th, 1915, Part I, p. 565.

†Republished at pages 3030-3033 of the Bom. G. G., Part I, dated 17th December 1914.

(1) That the prohibition of the carriage coastwise of 'Animals, pack, saddle and draught, suitable for use in war' should be removed.

(2) That 'Tea' should be deleted from the list of articles the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic Ports), Belgium, Spain and Portugal.

(3) That 'Cocoa' should be added to the list of articles the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic ports), Belgium, Spain, and Portugal.

(4) That 'Jewelled draw-plates for drawing steel wire' should be added to the list of articles the exportation of which is prohibited to all destinations abroad other than British possessions and protectorates.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

ROYAL PROCLAMATION OF 3RD FEBRUARY 1915 PROHIBITING EXPORT OF WARLIKE STORES FROM THE UNITED KINGDOM.

DEPARTMENT OF COMMERCE AND INDUSTRY.

*No. 2894-W., dated the 20th March, 1915.—In supersession of the Notifications in this Department No. 1683-W., dated the 12th December, 1914, 2106-W., dated the 26th December, 1914, 491-W. and 492-W., dated the 16th January, 1915, 709-W., dated the 23rd January, 1915, 1210-W., dated the 6th February, 1915 and 1769-W., dated the 13th February, 1915, the following Royal Proclamation is published for general information:—

BY THE KING.

A Proclamation prohibiting under section 8 of "The Customs and Inland Revenue Act, 1879," and section 1 of "The Exportation of Arms Act, 1900," and section 1 of "The Customs (Exportation Prohibition) Act, 1914," the Exportation from the United Kingdom of Warlike Stores.

GEORGE, R. I.

Whereas by section 8 of "The Customs and Inland Revenue Act, 1879," it is enacted that the exportation of arms, ammunition, and gunpowder, military and naval stores, and any articles which We shall

*Amended by Notification No. 3957-W., dated 17th April, 1915, *infra*, page 65.

judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man may be prohibited by Proclamation :

And whereas by section 1 of "The Exportation of Arms Act, 1900," it is enacted that WE may by Proclamation prohibit the exportation of all or any of the following articles, namely, arms, ammunition, military and naval stores, and any article which WE shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named whenever WE shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against OUR subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with OUR forces :

And whereas by section 1 of "The Customs (Exportation Prohibition) Act, 1914," it is enacted that section 8 of the aforesaid Customs and Inland Revenue Act, 1879, shall have effect whilst a state of war in which WE are engaged exists as if in addition to the articles therein mentioned there were included all other articles of every description :

And whereas it is further enacted by section 2 of "The Customs (Exportation Prohibition) Act, 1914," that any Proclamation or Order in Council made under section 8, as so amended, of "The Customs and Inland Revenue Act, 1879," may whilst a state of war exists be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is enacted by section 2 of "The Customs (Exportation Restriction) Act, 1914," that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas a Proclamation dated the 10th November, 1914, and various Orders dated respectively the 20th November, the 5th, the 11th and the 23rd December, 1914, and the 4th and the 8th January, 1915, prohibiting the exportation of certain articles therein referred to from the United Kingdom to certain or all destinations, have been issued in pursuance of the aforesaid powers :

And whereas it is expedient that the said Proclamation and Orders should be consolidated, with amendments and additions and that such Proclamation and Orders should be revoked :

And whereas the articles, other than arms, ammunition, or military or naval stores hereinafter enumerated are articles which WE judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores :

And whereas in order to prevent such arms, ammunition, or military or naval stores being used against OUR subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with OUR forces, WE have deemed it expedient to prohibit the exportation of the articles hereinafter enumerated :

Now, therefore, WE have thought fit by and with the advice of OUR Privy Council to issue this OUR Royal Proclamation, declaring, and it is hereby declared, that the abovementioned Proclamation and Orders be and the same are hereby revoked :

And WE have further thought fit, by and with the advice aforesaid, and in virtue and in exercise of the powers aforesaid, further to declare, and it is hereby declared, as follows :—

(A) That the exportation of the following goods be prohibited to all destinations :—

Aeroplanes, airships, balloons and aircraft, of all kinds and their component parts together with accessories and articles recognisable as intended for use in connection with aeroplanes, airships, balloons and aircraft, including :—gold beaters' skin ; shantung silk in the piece ; flax fabric suitable for aeroplanes ; non-inflammable " celluloid " sheet (or similar transparent material non-soluble in lubricating oil, petrol or water) ; aeroplane dope ; high tensile steel tubes ; aeroplane instruments (aneroids, barographs, revolution indicators) ; aeroplane turn-buckles ; steel stampings ; magnetos ; aeroplane engines and parts ; fusel oil (amyl alcohol) ; amyl acetate ; aceto-celluloses ; trephenyl phosphate ;

Animals, pack, saddle and draught, suitable for use in war ;
Cannon and other ordnance and machine guns, and parts thereof ;
Carbons, suitable for searchlights ;
Carriages, and mountings for cannon and other ordnance, and for machine guns and parts thereof ;
Cartridges, charges of all kinds, and their component parts ;
Chemicals, drugs, dyes and dyestuffs, medicinal and pharmaceutical preparations and tanning extracts, namely :—

Acetone ;
Acetylsalicylic acid (aspirin) ;
Ammonium nitrate, perchlorate and sulphocyanide ;
Antipyrine (phenazone) ;
Anti-tetanus serum ;
Barium chlorate ;
Belladonna and its preparations and alkaloids ;
Calcium acetate and all other metallic acetates ;
Calcium nitrate ;
Cantharides and its preparations ;
Carbolic acid ;
Chloral and its preparations, including chloramid ;
Chemicals, drugs, dyes and dyestuffs, medicinal and pharmaceutical preparations and tanning extracts, namely—contd.
Coal tar distillation products, namely, benzol and cresol and the fractions of the distillation products of coal tar between benzol and cresol ;
Coal tar products for use in dye manufacture, including aniline oil and aniline salt ;
Collodion ;

- Cresol, all preparations of (including cresylic acid) and nitrocresol
 (except saponified cresol);
 Cyanamide;
 Diethylbarbituric acid (veronal) and veronal sodium;
 Dimethylaniline;
 Dyes, and dyestuffs manufactured from coal tar products;
 Emetin and its salts;
 Ergot of rye, not including liquid extract or other medicinal
 preparations of ergot;
 Eucaïne hydrochlor;
 Gentian and its preparations;
 Henbane and its preparations;
 Hydroquinone;
 Indigo, natural;
 Ipecacuanha root;
 Methylaniline;
 Neo-salvarsan;
 Nitric acid;
 Nitrotoluol;
 Novocain;
 Opium and its preparations and alkaloids;
 Paraffin, liquid medicinal;
 Paraformaldehyde and trioxymethylene;
 'Peptone Witte';
 Peroxide of manganese;
 Phenacetin;
 Picric acid and its components;
 Potash salts, namely:—
 Chlorate;
 Cyanide;
 Nitrate (saltpetre);
 Permanganate;
 Protargol, not including silver proteinate;
 Saccharin (including 'saxin');
 Salicylic acid and salicylate of soda;
 Salol;
 Salvarsan;
 Santonin and its preparations;
 Sodium chlorate and perchlorate;
 Sulphonal;
 Sulphur;
 Sulphuric acid;
 Tanning, extracts for use in, the following:—
 Chestnut extract;
 Oakwood extract;
 Thorium nitrate;
 Thymol and its preparations;
 Triona

Valonia ;
Compasses, other than ships' compasses ;
Cotton waste of all descriptions ;
Explosives of all kinds ;
Field glasses and telescopes ;
Firearms, rifled, of all kinds, and their component parts ;
Flax, raw ;
Forage and food for animals, namely :—
 Beans (not including haricot beans) ;
 Brewers' and distillers' grains ;
 Brewers' dried yeast ;
 Buckwheat ;
 Cakes and meals, the following, namely—
 Biscuit meal ;
 Calf meal ;
 Cocoanut or poonac cake ;
 Compound cakes and meal ;
 Cottonseed cake, decorticated and undecorticated, and cotton
 seed meal ;
 Fishmeal and concentrated fish ;
 Gluten meal or gluten feed ;
 Groundnut cake and meal ;
 Husk meal ;
 Linseed cake and meal ;
 Locust bean meal ;
 Maize germ meal ;
 Maize meal ;
 Meat meal ;
 Palmnut cake and meal ;
 Rape seed cake and meal ;
 Soya bean cake and meal ;
 Dari ;
 Hay ;
 Hempseed ;
 Lentils ;
 Maize ;
 Malt dust, culms, sprouts or combings ;
 Millet ;
 Offals of corn and grain, including :—
 Bran and pollard ;
 Mill dust and screenings of all kinds ;
 Rice meal (or bran) and dust ;
 Sharps and middlings ;
 Patent and proprietary cattle foods of all kinds ;
 Peas (except split, tinned and bottled peas, packed in cardboard
 boxes and similar receptacles) ;
 Straw ;
Glass for optical instruments ;

Grindery, the following articles of, used in the making of boots and shoes :—

- Brass rivets, for use by hand or machine ;
- Cutlan studs, for use by hand or machine ;
- Heel attaching pins, for use by hand or machine ;
- Lasting tacks or rivets, for use by hand or machine ;
- Steel bills, for use by hand or machine ;
- Heel tips ;
- Heel tip nails ;
- Hobnails of all descriptions ;
- Protector studs ;
- Screwing wire ;

Harness and saddlery which can be used for military purposes ;

Heliographs ;

Hemp, other than Manila hemp ;

Hides of cattle, buffaloes, and horses and calfskins ;

Hosiery needles ;

Khaki woollen cloth ;

Leather, undressed or dressed, suitable for saddlery, harness, military boots or military clothing.

Meat, namely, beef and mutton, fresh or refrigerated ;

Periscopes ;

Projectiles of all kinds and their component parts ;

Range-finders and parts thereof ;

Silk cloth, silk braid, silk thread, suitable for cartridges ;

Silk noils ;

Spirits of a strength of not less than 43 degrees above proof ;

Swords, bayonets and other arms (not being firearms) and parts thereof ;

Wood, namely :—

- Ash ;

- Ash three-ply wood ;

- Spruce ;

- Walnut wood.

(B) That the exportation of the following goods be prohibited to all destinations abroad other than British Possessions and Protectorates :—

Accoutrements, namely web equipment, leather belts, leather bandoliers, leather pouches, other leather articles of personal equipment manufactured for military purposes ;

Blankets, coloured, exceeding 3½ lbs. in weight, known as 'woollen' blankets ;

Boots, heavy, for men ;

Camp equipment, articles of, including tents and their component parts, ovens, camp kettles, buckets, lanterns, and horse rugs ;

Carts, two-wheeled, capable of carrying 15 cwt. or over, and their distinctive component parts ;

Chemicals, drugs, medicinal pharmaceutical preparations ;

- Acetanilide ;

- Aconite and its preparations and alkaloids ;
- Alcohol, methylic ;
- Alumina and salts of aluminium ;
- Ammonia, liquefied ;
- Antimony, sulphides and oxides of ;
- Benzoic acid (synthetic) and benzoates ;
- Bromine and alkaline bromides ;
- Coca and its preparations and alkaloids ;
- Copper, suboxide of ;
- Copper sulphate ;
- Cresol (saponified) ;
- Formic aldehyde ;
- Fulminate of mercury ;
- Glycerine, crude and refined ;
- Hexamethylene tetramin (urotropin) and its preparations ;
- Hydrobromic acid ;
- Potash, caustic ;
- Potash salts, namely ;—
 - Bicarbonate ;
 - Bichromate ;
 - Carbonate ;
 - Chloride ;
 - Chrome alum ;
 - Metabisulphite ;
 - Prussiate ;
 - Sulphate (including Kainit) ;
 - Sodium nitrate ;
 - Tartaric acid and alkaline tartrates ;
 - Zinc sulphate ;
- Coal sacks ;
- Draw plates, jewelled, for drawing steel wire ;
- Ferro alloys, including :—
 - Ferro-chrome ;
 - Ferro-manganese ;
 - Ferro-molybdenum ;
 - Ferro-nickel ;
 - Ferro-titanium ;
 - Ferro-tungsten ;
 - Ferro-vanadium ;
 - Spiegeleisen ;
 - Ferro-silicon ;
- Graphite, including foundry (moulding) plumbago and plumbago for lubricating ;
- Hemp, the following manufactures of :—
 - Cloth ;
 - Cordage and twine, not including cordage or twine of Manila hemp or reaper or binder twine ;
- Horseshoes ;

Jute, raw ;

Metals and ores, the following, *viz.* :—

Aluminium and alloys of aluminium ;

Antimony and alloys of antimony ;

Bauxite ;

Chrome ore ;

Cobalt ;

Copper unwrought and part wrought, all kinds, including alloys of copper (such as brass, gun metal, naval brass and delta metal, phosphor copper and phosphor bronze), copper and brass sheets, circles, slabs, bars, pipes, ingots, scrap, rods, plates, solid drawn tubes, condenser plates, copper wire, brass wire, bronze wire, solder containing copper ;

Lead, pig, sheet or pipe (including solder containing lead) ;

Lead ore ;

Manganese and Manganese ore ;

Mercury ;

Molybdenum and molybdenite ;

Nickel and nickel ore ;

Scheelite ;

Selenium ;

Tungsten ;

Vanadium ;

Wolframite ;

Zinc and zinc ore (including zinc ashes, spelter, spelter dross and zinc sheets) ;

Mica (including mica splittings) and micanite ;

Mineral jellies ;

Mines and parts thereof ;

Oil, blast furnace (except creosote and cresote oil) ;

Oil, fuel shale ;

Oil, mineral lubricating (including mineral lubricating grease and lubricating oil composed of mineral and other oils) ;

Oils, all vegetable (other than linseed oil, boiled and unboiled, unmixed with other oil, and not including essential oils) ;

Oil, whale, namely, train, blubber, sperm or head matter, and seal oil, shark oil, and Japan fish oil ;

Oleaginous nuts, seeds and products, the following, namely :—

Castor beans ;

Cocoanuts ;

Copra ;

Cotton seed ;

Groundnuts (Arachides) ;

Linseed ;

Palm kernels ;

Rape seed ;

Sesame seed ;

Soya beans ;

Oleo oil, Premier jus, and animal tallow ;
Petroleum, fuel oil (including turpentine substitute and paraffin oil) ;
Petroleum, gas oil ;
Petroleum spirit and motor spirit (including Shell spirit) ;
Pigskins, dressed or undressed ;
Portable forges ;
Provisions and victuals which may be used as food for man, namely :—
 Animals, living, for food ;
 Barley and oats, including barley meal and pearled barley, and
 oatmeal ;
 Butter ;
 Cheese ;
 Eggs and shells ;
 Lard and imitation lard ;
 Malt ;
 Margarine ;
 Sugar, refined and candy ;
 Sugar, unrefined ;
 Wheat, wheat flour and wheat meal ;
Rope, (steel wire) and hawsers ;
Rubber (including raw, waste and reclaimed rubber) and goods made
 wholly of rubber, including tyres for motor vehicles and for cycles,
 together with articles or materials especially adapted for use in the
 manufacture or repair of tyres ;
Searchlights ;
Sheepskins, tanned ;
Sheepskins, woolled, *i.e.*, with the wool left on ;
Signalling lamps of all kinds capable of being used for signalling Morse
 or other code ;
Submarine sound-signalling apparatus ;
Surgical bandages and dressing (including buttercloth) ;
Telephone sets and parts thereof, field service telegraph and telephone
 cable ;
Torpedo nets ;
Torpedo tubes ;
Torpedoes and parts thereof ;
Turpentine (oil and spirit) ;
Vessels, boats and craft of all kinds (including floating docks) and their
 distinctive component parts ;
Wagons, four-wheeled, capable of carrying one ton and over and their
 distinctive component parts ;
Uniform clothing and military equipment ;
Wire, barbed, and galvanised wire, and implements for fixing and
 cutting the same (but not including galvanised wire netting) ;
Wire, steel, of all kinds ;
Wool, raw (sheep's and lamb's) ;
Wool tops ;
Wool noils ;

Wool waste ;
 Woollen rags, applicable to other uses than manure, pulled or not ;
 Woollen and worsted cloth suitable for uniform clothing, not including women's dress stuffs or cloth with pattern ;
 Woollen and worsted yarns ;
 Woollen jerseys, cardigan jackets, woollen gloves, woollen socks, and men's woollen underwear of all kinds.

(C) That the exportation of the following goods be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia, (except Baltic ports), Belgium, Spain and Portugal :—

Armour plates, armour quality castings, and similar protective material ;
 Asbestos ;

Bags and sacks of all kinds (not including paper bags) ;

Bicycles, and their distinctive component parts ;

Bladders, casings, and sausage skins ;

Camphor ;

Chemicals, drugs, etc. :—

Bismuth and its salts ;

Iodine and its preparations and compounds ;

Mercury, salts and preparations of ;

Nux Vomica and its alkaloids and preparations ;

Chronometers and all kinds of nautical instruments ;

Compasses for ships and parts thereof, including fittings such as binnacles ;

Firearms, unrifled, for sporting purposes ;

Flaxen canvas, namely :—

Hammock canvas ;

Kitbag canvas ;

Merchant Navy canvas ;

Royal Navy canvas ;

Tent canvas ;

Goat skins, undressed ;

Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms or of war material for use on land and sea, namely, plant for cordite and ammunition factories, *viz.* :—

Cordite presses ;

Dies for cartridge cases ;

Gauges for shells or cartridges ;

Incorporators ;

Lapping machines ;

Rifling machines ;

Wire-winding machines ;

India-rubber, sheet, vulcanised ;

Intrenching tools and intrenching implements, namely, pick-axes and grubbers, whether of combination pattern or otherwise ; spades and shovels of all descriptions ; helves and handles for pick-axes,

grubbers, spades and shovels, and machinery for trenching and ditching ;

Jute yarns ;

Jute piece-goods ;

Linen close canvas ;

Linen duck cloth ;

Mahogany ;

Mess tins, and water bottles for military use.

Metals and ores, the following, *viz.* :—

Copper ore ;

Iron ore ;

Iron hæmatite pig ;

Iron pyrites ;

Motor vehicles of all kinds, including motor bicycles, and their distinctive component parts and accessories ;

Packings, engine and boiler (including slagwool) ;

Provisions and victuals which may be used as food for man, namely :—

Cocoa powder ;

Herrings, cured or salted, in barrels or cases, including dry salted herrings and herrings in brine ;

Tinned meats and extract of meat ;

Railway material, both fixed and rolling stock ;

Rosin ;

Seeds, clover and grass ;

Shipbuilding materials, namely :—

Boiler tubes ;

Condenser tubes ;

Iron and steel castings and forgings for hulls and machinery of ships ;

Iron and steel plates and sectional materials for shipbuilding ;

Marine engines, and parts thereof ;

Ship's auxiliary machinery ;

Sounding machines and gear ;

Telegraphs, wireless telegraphs and telephones, material for.

(D) That the export of the following article be prohibited to ports in Denmark, the Netherlands and Sweden :—

Tin plates ; including tin boxes and tin canisters for food packing.

Given at OUR Court at Buckingham Palace, this Third day of February, in the year of Our Lord One thousand nine hundred and fifteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 1570.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 1336-W., dated Delhi, the 6th February 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the Notification in the Department of Commerce and Industry, No. 1669-W,† dated 9th December 1914, namely :—

In clause (c) of the first proviso to the said notification—

- (a) after the word ‘ foodstuffs ’ the following shall be inserted, namely ; ‘ (other than sugar), ’
- (b) the word ‘ or ’ shall be omitted ; and
- (c) after the words ‘ calcium carbide ’ the words ‘ marble, alabaster or Sienna earth ’ shall be added.

(Signed) C. E. Low,
Secretary to the Government of India.”

Bombay Castle, 15th February, 1915.

†No. 1847.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 1631-W., dated Delhi, the 13th February, 1915.

Whereas by paragraph 4, clause 1, of the Hostile Foreigners Trading Order dated the 14th November 1914,** hostile foreigners are prohibited from carrying on or engaging in any trade or business in British India except under a general or special license issued by or under the authority of the Governor General in Council ; and

Whereas it is desirable that a general license under paragraph 4 of the said Order should be granted to a class of persons who fall within the definition of ‘ hostile foreigners ’ in the said Order :

Now, therefore, the Governor General in Council hereby authorises the carrying on of trade or business in British India by Asiatic subjects of the Ottoman Empire, subject to the following restrictions and conditions, namely :—

- (1) This license shall not apply to any Company, firm or association, or body of individuals which falls within the definition of ‘ hostile firm ’ in the said Order.

*Published in Bom. G. G., Feb. 11th, 1915, Part I, p. 513.

†Republished at pages 2998-2999 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

‡Published in Bom. G. G., Feb. 18th, 1915, Part I, p. 564.

**Republished at pp. 2720-2721 of the Bombay G. G. Extraordinary, Part I, of the same date.

(2) This license shall not apply to any Asiatic subjects of the Ottoman Empire whom the Governor General in Council may from time to time by notification in the Gazette of India except from its provisions.

(3) This license shall not affect any special license which has been, or may hereafter be, issued by the Governor General in Council under the said Order. Any such licensee shall be subject to all the conditions and restrictions specified in the special license.

(4) This license does not apply to any person who has applied for and been refused a license under the said Order.

(Signed) C. E. Low,

Secretary to the Government of India."

Bombay Castle, 29th March, 1915.

*No. 3698.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 2987-W., dated Delhi, the 27th March 1915.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Relating to Trading with the Enemy (Occupied Territory).

GEORGE, R. I.

WHEREAS, as a result of the present war, certain territory forming part of the territory of an enemy country, is or may be in the effective military occupation of Us or Our Allies, or of a Neutral State (in this Proclamation referred to as ‘ territory in friendly occupation ’), and certain territory forming part of OUR territory or of that of an allied or neutral State, is or may be in the effective military occupation of an enemy (in this Proclamation referred to as ‘ territory in hostile occupation ’) ;

AND WHEREAS it is expedient in OUR interest and in that of OUR Allies that the Proclamations relating to trading with the enemy should apply to territory in friendly occupation as they apply to OUR territory or that of OUR Allies, and should apply to territory in hostile occupation as they apply to an enemy country :

NOW, THEREFORE, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The Proclamations for the time being in force relating to trading with the enemy shall apply to territory in friendly occupation as they apply to OUR territory or that of OUR Allies, and to territory in hostile occupation as they apply to an enemy country.

2. Any references to the outbreak of the war in any Proclamation so applied shall, as respects territory in friendly or hostile occupation, be

*Published in the Bombay Government Gazette, April 1st, 1915, Part I, p. 929.

construed as references to the time at which the territory so became in friendly or hostile occupation.

3. The certificate of any person authorised by a Secretary of State to give such certificates that any territory is in friendly or hostile occupation within the meaning of this Proclamation, or as to the time at which any territory so became or ceased to be territory in friendly or hostile occupation, shall, for the purposes of this Proclamation, be final and conclusive.

4. Nothing in this Proclamation shall be taken to prohibit anything which may be expressly permitted by OUR license or by a license given on OUR behalf by a Secretary of State, or the Board of Trade, or the Lords Commissioners of OUR Treasury, whether such licenses be specially granted to individuals or be announced as applying to classes of persons, or to prohibit any special arrangements which may be made by any such license or otherwise with OUR authority for special treatment of any occupied territory or persons in any such occupied territory entitled to such special treatment.

5. This Proclamation shall be called the Trading with the Enemy (Occupied Territory) Proclamation, 1915.

GIVEN AT OUR Court at Buckingham Palace, the Sixteenth day of February, in the year of Our Lord one thousand nine hundred and fifteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,

Chief Secretary to the Government.

*No. 2187.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

No. 1486-16, dated Simla, the 20th February, 1915.

In exercise of the power conferred by section 22 of the Sea Customs Act, 1878, (VIII of 1878), the Governor General in Council is pleased to direct that in entry No. 8 in the Schedule to the notification of the Government of India in this Department No. 11590-120,† dated the 19th December, 1914, after the item 'sugar, crystallised soft, refined in China' the following shall be inserted, namely :—

'Sugar, crystallised and soft from Egypt. . cwt. Rs. 9-8 five per cent.'

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

(Signed) G. CARMICHAEL,

Chief Secretary to Government.

*Published in Bom. G. G., 25th Feb. 1915, Part I, p. 608-9.

†Republished at pages 3226-3227 of Part I, of the Bom. G. G., dated 24th December, 1914.

Bombay Castle, 22nd February 1915.

*No. 2194.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“No. 1919-W., dated Delhi, the 20th February 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the words ‘and exports of Cinchona Bark and Senna to the United Kingdom’ shall be added to the entry in column II of exceptions to the prohibition on the export of ‘Medical and Surgical stores and equipment of every description, other than Nux Vomica, Castor seed and Mustard seed’ in the Schedule appended to the notification in the Department of Commerce and Industry No. 25-W., Customs,† dated the 17th October 1914, as amended by Notification No. 1717-W.,† dated the 12th December 1914.

(Signed) C. E. Low,
Secretary to the Government of India.”

Bombay Castle, 6th April 1915.

†*No. 3933.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 3358-W., dated Simla, the 3rd April 1915.

The following Order in Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 2nd day of March 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

*Published in Bom. G. G., Feb. 25th, 1915, Part I, p. 608.

†Republished at pages 2509-2510 of the Bom. G. G., Part I, dated 22nd October 1914.

†Republished at page 3033 of the Bom. G. G., Part I, dated 17th December 1914.

†*Published in the Bom. G. G., April 8th, 1915, Part I, p. 978.

And whereas by a Proclamation,† dated the 3rd day of February 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation,† dated the 3rd day of February 1915, should be amended by making the following amendments in and additions to the same :—

- (1) That the heading of ' Draw plates, jewelled, for drawing steel wire ' in the list of goods the exportation of which is prohibited to all destinations abroad, other than British Possessions and Protectorates should be deleted and there be inserted in its place ' Draw plates, jewelled, for drawing steel wire, and diamonds prepared for use therein. '
- (2) That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates :—

Paraffin Wax.

Prussiate of Soda.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 2799.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 2221-W., dated Delhi, the 6th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the notification in the Department of Commerce and Industry, No. 1669-W.,‡ dated the 9th December 1914, namely :—

- (a) In line 4 of the Form of Certificate of Origin, after the words ' consigned to ' add the words ' or order. '

†Republished at pages 884 at 891 of the Bom. G. G., Part, I, dated 25th March 1915.

*Published in Bom. G. G., Mar. 11th, 1915, Part I, p. 803.

‡Republished at pages 2998-2999 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

- (b) In lines 5 and 6 of the same form for the words '*is not of German, Austrian, Hungarian or Turkish production or manufacture,*' substitute the words '*has not been produced or manufactured in enemy territory.*'

(Signed) C. E. Low.
Secretary to the Government of India."

*No. 2800.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 2204-W., dated Delhi, the 6th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendment shall be made in the notification in the Department of Commerce and Industry, No. 1670-W.,† dated the 9th December 1914, namely :—

In line 7 of the Form of Declaration, after the words '*for consumption in*' add the words '*or for transit through.*'

(Signed) C. E. Low,
Secretary to the Government of India."

†No. 4140.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"COMMERCE AND TRADE.

No. 3734-W., dated Simla, the 10th April 1915.

With reference to the Notification in this Department No. 708-W.,§ dated the 23rd January 1915, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Adding to the List of Articles to be treated as Contraband of War.

GEORGE, R. I.

WHEREAS on the twenty-third day of December 1914, WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as contraband during the continuance of hostilities or until WE did give further public notice : and

Whereas it is expedient to make certain additions to the lists contained in the said Proclamation :

NOW, THEREFORE, WE do hereby declare, by and with the advice of OUR Privy Council, that during the continuance of the war or until WE do give further public notice the following articles will be treated as absolute

*Published in B. G. G., March 11th, 1915, Part I, p. 803.

†Republished at pages 2999-3000 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

‡Published in Bom. G. G., Apr. 15th, 1915, Part I, p. 1092.

§Republished at pages 288-289 of the Bom. G. G., Part I, dated 28th January 1915.

contraband in addition to those set out in OUR Royal Proclamation aforementioned :—

Raw wool, wool tops and noils and woollen and worsted yarns.

Tin, chloride of tin, tin ore.

Castor oil.

Paraffin wax.

Copper iodide.

Lubricants.

Hides of cattle, buffaloes and horses ; skins of calves, pigs, sheep, goats and deer ; leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing.

Ammonia and its salts whether simple or compound ; ammonia liquor ; urea, aniline, and their compounds.*

And WE do hereby further declare that the following articles will be treated as conditional contraband in addition to those set out in OUR Royal Proclamation aforementioned :—

Tanning substances of all kinds (including extracts for use in tanning)

And WE do hereby further declare that the terms 'foodstuffs' and 'feeding stuffs for animals' in the list of conditional contraband contained in OUR Royal Proclamation aforementioned shall be deemed to include oleaginous seeds, nuts and kernels ; animal and vegetable oils and fats (other than linseed oil) suitable for use in the manufacture of margarine ; and cakes and meals made from oleaginous seeds, nuts and kernels.

Given at OUR Court at Buckingham Palace, this Eleventh day of March in the year of Our Lord One thousand nine hundred and fifteen, and in the Fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

Bombay Castle, 27th April 1915.

*No. 4677.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"COMMERCE AND TRADE.

No. 4676-W., dated Simla, the 24th April 1915.

The following Order in Council is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE.

The 11th day of March 1915.

PRESENT :

The King's Most Excellent Majesty in Council.

WHEREAS the German Government has issued certain Orders which, in violation of the usages of war, purport to declare the waters surrounding the United Kingdom a military area, in which all British allied merchant

*Published in Bom. G. G., April 29th, 1915, Part I, p. 1191.

vessels will be destroyed irrespective of the safety of the lives of passengers and crew, and in which neutral shipping will be exposed to similar danger in view of the uncertainties of naval warfare :

And whereas in a memorandum accompanying the said Orders neutrals are warned against entrusting crews, passengers, or goods to British or allied ships ;

And whereas such attempts on the part of the enemy give to His Majesty an unquestionable right of retaliation ;

And whereas His Majesty has therefore decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or non-combatant life, and in strict observance of the dictates of humanity ;

And whereas the Allies of His Majesty are associated with Him in the steps now to be announced for restricting further the commerce of Germany :

HIS MAJESTY is therefore pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows :—

I. No merchant vessel which sailed from her port of departure after the 1st March 1915 shall be allowed to proceed on her voyage to any German port.

Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the Marshal of the Prize Court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the Court, upon such terms as the Court may in the circumstances deem to be just, to the person entitled thereto.

II. No merchant vessel which sailed from any German port after the 1st March 1915 shall be allowed to proceed on her voyage with any goods on board laden at such port.

All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the Marshal of the Prize Court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Prize Court. The proceeds of goods so sold shall be paid into Court and dealt with in such manner as the Court may in the circumstances deem to be just.

Provided that no proceeds of the sale of such goods shall be paid out of Court until the conclusion of peace, except on the application of the proper Officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this Order.

Provided also that nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper Officer of the Crown.

III. Every merchant vessel which sailed from her port of departure after the 1st March 1915, on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the Marshal of

the Prize Court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the Court, upon such terms as the Court may in the circumstances deem to be just, to the person entitled thereto.

Provided that this Article shall not apply in any case falling within Articles II or IV of this Order.

IV. Every merchant vessel which sailed from a port other than a German port after the 1st March 1915 having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the Marshal of the Prize Court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Prize Court. The proceeds of goods so sold shall be paid into Court and dealt with in such manner as the Court may in the circumstances deem to be just.

Provided that no proceeds of the sale of such goods shall be paid out of Court until the conclusion of peace except on the application of the proper Officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this Order.

Provided also that nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper Officer of the Crown.

V. (1) Any person claiming to be interested in, or to have any claim in respect of, any goods (not being contraband of war) placed in the custody of the Marshal of the Prize Court under this Order, or in the proceeds of such goods, may forthwith issue a writ in the Prize Court against the proper Officer of the Crown and apply for an order that the goods should be restored to him or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

(2) The practice and procedure of the Prize Court shall, so far as applicable, be followed *mutatis mutandis* in any proceedings consequential upon this Order.

VI. A merchant vessel which has cleared for a neutral port from a British or allied port, or which has been allowed to pass having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

VII. Nothing in this Order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this Order.

VIII. Nothing in this Order shall prevent the relaxation of the provisions of this Order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to German subjects shall enjoy the protection of its flag.

ALMERIC FITZROY.

(Signed) C. E. LOW,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,

Chief Secretary to Government.

Bombay Castle, 15th March 1915.

*No. 3132.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2528-W., dated Delhi, the 13th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following entry shall be inserted in the schedule appended to the notification in the Department of Commerce and Industry No. 25-W.,† dated the 17th October 1914 :—

SCHEDULE.

Column I.—Prohibited goods.	Column II.—Exceptions.
Chrome iron ore (chromite)	.. Except to the United Kingdom. (Signed) C. E. Low, <i>Secretary to the Government of India.</i> ”

No. 3133.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2561-W., dated Delhi, the 13th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of the undermentioned classes of goods to all ports in Europe and on the Mediterranean and Black Seas, other than those of the United Kingdom, Russia (except the Baltic ports), Belgium, France, Spain, and Portugal :—

Forage and food for animals, namely :—

Beans (not including haricot beans).

Brewers' and distillers' grains.

Brewers' dried yeast.

Buckwheat.

Cakes and meals, the following, namely :—

Biscuit meal ;

Calf meal ;

Cocoonut or poonac cake ;

Compound cakes and meal ;

Cottonseed cake, decorticated and undecorticated, and cottonseed meal ;

Fishmeal and concentrated fish ;

Gluten meal or gluten feed ;

Groundnut cake and meal ;

Husk meal ;

*Published in the Bom. G. G., March 18th 1915, Part I, p. 851.

†Republished at pages 2509 and 2510 of the Bom. G. G., Part I, dated 22nd October 1914.

Linseed cake and meal;
 Locust bean meal;
 Mahua or mhowra cake;
 Maize germ meal;
 Maize meal;
 Meat meal;
 Niger cake;
 Palmnut cake and meal;
 Poppyseed cake;
 Rapeseed cake and meal;
 Safflower cake;
 Sesamum cake;
 Soya bean cake and meal.

Dari.

Hay.

Hempseed.

Lentils.

Maize.

Malt dust, culms, sprouts or combings.

Millet.

Offals of corn and grain, including :—

 Bran and pollard.

 Mill dust and screenings of all kinds.

 Rice meal (or bran) and dust.

 Sharps and middlings.

Patent and proprietary cattle foods of all kinds.

Peas (except split, tinned and bottled peas, packed in carboard boxes and similar receptacles.)

Straw.

•Oils, all vegetable (other than linseed oil, boiled and unboiled, unmixed with other oil, and not including essential oils.

•Oleaginous nuts, seeds and products, the following, namely :—

 Castor beans.

 Cocoanuts.

 Copra.

 Cottonseed.

 Groundnuts (Arachides.)

 Linseed.

 Mahua or mhowra seed.

 Niger seed.

 Palm kernels.

 Poppy seed.

 Rape seed.

 Safflower seed.

 Sesamum seed.

 Soya beans.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 3134.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2607-W., dated Delhi, the 13th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following entry shall be inserted in the schedule appended to the Notification in the Department of Commerce and Industry, No. 25-W.,† dated the 17th October 1914 :—

SCHEDULE.

Column I.—Prohibited goods.	Column II.—Exceptions.
Paraffin wax.	..Except to the United Kingdom or to a British Possession.
	(Signed) C. E. Low, <i>Secretary to the Government of India.</i> ”

No. 3135.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2645-W., dated Delhi, the 13th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914 and in supersession of Notification No. 1717-W.,† dated the 12th December 1914, the Governor General in Council is pleased to direct that the words

- ‘ other than (1) Nux Vomica,
(2) Castor Seed, Mustard Seed, Linseed and Oils extracted therefrom ’

shall be added after the entry ‘ Medical and surgical stores and equipment of every description,’ in column I of the Schedule appended to the Notification in the Department of Commerce and Industry, No. 25-W.,‡ (Customs), dated the 17th October 1914.

(Signed) C. E. Low,
Secretary to the Government of India.”

*No. 3136.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2699-W., dated Delhi, the 13th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor

*Published in the Bom. G. G., March, 18th, 1915, Part I, p. 852.

†Republished at pages 2509-2510 of the Bom. G. G., Part I, dated 22nd October 1914.

‡Republished at page 3033 of the Bom. G. G., Part I, dated 17th December 1914.

General in Council is pleased to direct that proviso (d) in the Notification in the Department of Commerce and Industry, No. 1669-W.§ (Customs), dated the 9th December 1914, shall be deleted.

(Signed) C. E. Low,

Secretary to the Government of India."

Bombay Castle, 19th April 1915.

*No. 4379.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 3957-W., dated Simla, the 17th April 1915.

The following Order in Council is republished for general information:—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 18th day of March 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas by a Proclamation, dated the 3rd day of February 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited:

And whereas by an Order of Council, dated the 2nd day of March 1915,† the said Proclamation was amended and added to in certain particulars:

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect:—

That the Proclamation, dated the 3rd day of February 1915, as amended and added to by the said Order of Council, dated the 2nd day of March 1915,

§Republished at pages 2998-2999 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

*Published in Bom. G. G., April 22nd, 1915, Part I, p. 1123.

†Republished at pages 884-891 of the Bom. G. G., Part I, dated 25th March 1915.

†Republished at pages 978 and 979 of the Bom. G. G., Part I, dated 8th April 1915.

should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading 'Thorium nitrate' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there should be substituted therefor the heading 'Thorium oxide, thorium nitrate, and other salts of thorium.'
- (2) That the heading 'Salicylic acid and Salicylate of soda' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading 'Salicylic acid, Salicylate of soda and Methyl salicylate.'
- (3) That the following article should be added to the list of goods the exportation of which is prohibited to all destinations :—

Sheepgut.

- (4) That the heading 'All vegetable oils (other than linseed oil, boiled and unboiled, unmixed with other oil, and not including essential oils)' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'Oils, all vegetable, and fats (other than linseed oil, boiled and unboiled, unmixed with other oil and not including essential oils).'
- (5) That the heading 'Oleo oil, Premier jus, and animal tallow' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'All animal oils and fats.'
- (6) That the heading 'Rubber (including raw, waste and reclaimed rubber) and goods made wholly of rubber ; including tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres' in the list of goods the exportation of which is prohibited to all destinations, abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'Rubber (including raw, waste and reclaimed rubber, solutions containing rubber, jellies containing rubber, or any other preparations containing rubber) and goods made wholly of rubber ; including tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres.'
- (7) That the heading 'Sheepskins, woolled, *i.e.*, with the wool left on' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'Sheepskins, whether woolled or not.'
- (8) That the heading 'Vessels, boats and craft of all kinds (including floating docks) and their distinctive component parts' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and that there be substituted therefor the words 'Vessels,

- boats and craft of all kinds; floating docks and their distinctive component parts.'
- (9) That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates :—
- Chemicals, drugs, medicinal and pharmaceutical preparations :
 Ammonia and its salts, whether simple or compound, other than ammonium nitrate, perchlorate and sulphocyanide (the exportation of which is already prohibited to all destinations).
 Ammonia liquor.
 The compounds of aniline, except aniline salt (the exportation of which is already prohibited to all destinations).
 Chloride of Tin.
 Copper Iodide. .
 Tanning substances of all kinds (including extracts for use in tanning), except chestnut extract, oak-wood extract, and valonia (the exportation of which is already prohibited to all destinations).
 Urea and its compounds.
 Deer skins, dressed and undressed.
 Goat skins, dressed and undressed.
 Metals and ores, namely :—
 Tin and tin ore.
 Neat's foot oil.
 Provisions and victuals which may be used as food for man, namely :—
 ' Peas except tinned and bottled peas and peas packed in cardboard boxes and similar receptacles.'
- (10) That the heading ' Goat skins, undressed ' in the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Belgium, Spain and Portugal, should be deleted.
- (11) That the exportation of the following goods should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Spain and Portugal. :—
 Provisions and victuals which may be used as food for man, namely :—
 Compressed and desiccated soups.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

NOTIFICATIONS.

REVENUE DEPARTMENT.

Bombay Castle, 27th March 1915.

*No. 3600.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ No 3195-W., dated Delhi, the 25th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit on and from the 1st of April 1915, up to and including the 31st of March 1916, the taking by sea of wheat out of British India : ,

Provided that nothing in this notification shall apply to wheat shipped by or on behalf of the Crown.

(Signed) C. E. Low,
Secretary to the Government of India.”

No. 3601.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ No. 3196-W., dated Delhi, the 25th March 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that on and from the 1st April 1915, up to and including the 31st of March 1916, no wheat flour shall be taken out of British India unless a permit in this behalf signed by the Chief Customs Officer is produced to the Customs Collector at the port of export in respect of such wheat flour and such wheat flour is shipped in accordance with the terms of such permit.

(Signed) C. E. Low,
Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,
Chief Secretary to Government.

Bombay Castle, 13th April 1915.

†No. 4153.—The following Notification by the Government of India, Department of Commerce and Industry, is republished :—

“ CUSTOMS.

No. 3554-59, dated Simla, the 10th April 1915.

In exercise of the power conferred by section 22 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct

*Published in Bom. G. G. Extraordinary, March 27th, 1915, p. 910.

†Published in Bom. G. G., April 15th, 1915, Part I, p. 1092.

that, for the item 'Sugar, crystallised and soft, refined in China' of entry No. 8 in the Notification of the Government of India in this Department, No. 11590-120, dated the 19th December 1914, the following shall be substituted, namely :—

No.	Name of Articles.	Per	Tariff valuation.	Duty.
			Rs. a.	
8	* * * Sugar, crystallised and soft, refined in China or Japan. * * *	Cwt.	11 0	Five per cent.

(Signed) C. E. Low,
Secretary to the Government of India.

*No. 5545.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 6314-W., dated Simla, the 15th May 1915.

The following Order in Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 15th day of April 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 3rd day of February 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1819, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the

*Published in Bom. G. G., May 20th, 1915, Part I, p. 1357.

†Republished at pages 884 @ 891 of the Bom. G. G., Part I, dated 25th March 1915.

Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by Orders of Council, dated respectively the 2nd day of March 1915 and the 18th day of March 1915, the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 3rd day of February 1915, as amended and added to by the Orders of Council, dated respectively the 2nd day of March 1915 and the 18th day of March 1915,† should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading ' Oil, mineral, lubricating (including mineral lubricating grease and lubricating oil composed of mineral and other oils)' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there should be substituted therefor the heading ' Lubricants.'
- (2) That the heading ' Oil, whale, namely train, blubber, sperm or head matter, and seal oil, shark oil and Japan fish oil' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there should be substituted therefor the heading ' Oil, whale (train, blubber, sperm), seal oil, shark oil, fish oil generally, and mixture or compounds of any of the foregoing.'
- (3) That the following article should be added to the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates :—

ALUNITE.

- (4) That the following articles should be added to the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports), Spain and Portugal :—

ANTHRACITE.

Lacs of all kinds, including shellac, gum lac, seed lac, stick lac, and other forms of lac, but not including lac dye.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

† Republished at pages 978—979 and 1124—1125 of the Bom. G. G., Part I, dated respectively the 8th and 22nd April, 1915.

*No. 5785.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 7073-W., dated Simla, the 22nd May 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 21st day of April 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 3rd day of February 1915,[†] and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by Orders of Council, dated respectively the 2nd day of March 1915, the 18th day of March 1915, and the 15th day of April 1915, the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 3rd day of February 1915, as amended and added to by the Orders of Council, dated respectively the 2nd day of March 1915, the 18th day of March 1915, and the 15th day of April 1915,[‡] should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading, ‘Oils, all vegetable, and fats (other than linseed oil, boiled and unboiled, unmixed with other oil and not including essential oils)’ which was substituted by the Order of Council of the 18th day of March 1915, for the heading in the Proclamation of ‘All vegetable oils (other than linseed oil, boiled and unboiled, unmixed with other oils, and not including essential oils)’ in the

*Published in Bom. G. G., May 27th, 1915, Part I, p. 1441.

†Republished at pages 884 @ 891 of the Bom. G. G., Part I, dated 25th March 1915.

‡Republished at page 1285 of the Bom. G. G. Extraordinary, Part I, dated 11th May 1915.

list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'Oils, all vegetable, and fats (not including essential oil).'

- (2) That the following article should be added to the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports), Spain and Portugal:—

Binder Twine.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 4678.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 4384-W., dated Simla, the 24th April 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of guts and bladders to Scandinavian countries, Holland, Italy and Switzerland.

(Signed) C. E. Low,

Secretary to the Government of India."

Bombay Castle, 1st June, 1915.

†No. 6042.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 7616-W., dated Simla, the 29th May 1915.

The following Order in Council is published for general information:—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 26th day of April 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of Customs and Inland Revenue Act, 1879, as amended by the

*Published in the Bom. G. G., April 29th, 1915, Part I, p. 1189.

†Published in Bom. G. G., June, 3rd, 1915, Part I, p. 1468.

Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation,* dated the 3rd day of February 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by Orders of Council, dated respectively the 2nd day of March 1915, the 18th day of March 1915, the 15th day of April 1915, and the 21st day of April 1915, the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 3rd day of February 1915, as amended and added to by the Orders† of Council, dated respectively the 2nd day of March 1915, the 18th day of March 1915, the 15th day of April 1915, and the 21st day of April 1915, should be further amended by making the following additions to the same :—

- (1) That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations :—

Toluol and mixtures containing toluol.

- (2) That the following article should be added to the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports), Spain and Portugal :—

Raw Cotton.

Metal Working machinery.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

*Republished at pages 884 @ 891 of the Bom. G. G., Part I, dated 25th March 1915.

†Republished at pages 978-979, 1124-1125, 1357-1358 and 1441-1442 of the Bom. G. G., Part I, dated respectively the 8th and 22nd April and the 20th and 27th May, 1915.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,
Secretary to the Government of India."

BOARD OF TRADE NOTICE TO IMPORTERS AND EXPORTERS.

• IMPORTS AND EXPORTS.

Board of Trade Notice dated April 26th, 1915, to Importers
and Exporters.*

1. The attention of importers and exporters is directed to the provisions of His Majesty's Proclamation dated the 9th September, 1914, relating to Trading with the Enemy.† By paragraph 5 (7) of this Proclamation all persons resident, carrying on business, or being in His Majesty's Dominions are warned "not directly or indirectly to supply to or for the use or benefit of, or obtain from an enemy country or an enemy any goods, wares, or merchandise; nor directly or indirectly to supply to, or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy; nor directly or indirectly to trade in or carry any goods, wares, or merchandise destined for or coming from an enemy country or an enemy." It is further provided by paragraph 3 that the expression "enemy" in the Proclamation means "any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country." By the Proclamation of 16th February, 1915, the prohibitions in the above mentioned Proclamation of 9th September, 1914, ‡ are extended so as to apply to territory in the effective military occupation of an enemy as they apply to an enemy country.

2. It is hereby notified that with a view to preventing breaches of this Proclamation, importers may be required to produce Certificates of Origin issued by His Majesty's Consular Officers, and exporters to make Declarations of the Ultimate Destination of their goods.

3. Declarations of the Ultimate Destination of goods exported to any foreign place in Europe or on the Mediterranean Sea, with the exception of those situated in Russia and France, are now, in view of the provisions of section 5 (1) of the Customs (War Powers) Act, 1915, ‡ required to be made to the Collectors or other proper Officers of Customs and Excise, in accordance

* This Notice supersedes that of November 7th, 1914.

† 5 Geo. V, c. 31, printed at pp. 234-6 above.

with the Customs Order* issued under section 139 of the Customs Consolidation Act, 1876,† as extended by section 2 of the Customs (War Powers) Act.‡ The Statutory Declarations hitherto made before Justices of the Peace or Commissioners of Oaths will no longer be required.

4. For the present Certificates of Origin will not be required in respect of imports of the *bona fide* personal and household effects of persons entering this country, of foodstuffs, of timber of any kind (including pit-props) strawboard, mechanical wood pulp, cut flowers, flax or flax-seed, iron ore, granite, granite setts for paving, paving stones, kerbstone, slatestone, cod liver oil, ice, marble, alabaster, sienna earth, tar, carbide of calcium or cyanamide of calcium, or in respect of any imports from places other than those situated in Norway, Sweden, Denmark, Holland, Switzerland, and Italy, or in respect of goods imported from an allied country by way of a neutral country on a through bill of lading or by through postal parcel, or in respect of goods of enemy origin imported under license. The Certificates referred to must be in the form prescribed by the schedule hereto.

5. Any goods, wares, or merchandise imported from the above-mentioned foreign places, except as provided in paragraph 4, unaccompanied by Certificates of Origin will be detained by the Commissioners of Customs and Excise until the requisite certificates are produced. The Commissioners are, however, authorised in such cases, and at their discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the necessary certificates within a prescribed period, provided that they see no reason for suspecting that the goods emanate from enemy territory.

6. This notice will take effect as from the 3rd May, 1915.

Board of Trade,
26th April, 1915.

SCHEDULE.

FORM OF CERTIFICATE OF ORIGIN.

I, _____ hereby certify that Mr.
(Producer, Manufacturer, Merchant, Trader, etc.), residing
at _____ in this town has declared before me,
that the merchandise designated below, which is to be shipped from this town
to _____ consigned to §
(Merchant, Manufacturer, etc.), in the United Kingdom,
has not been produced or manufactured in enemy territory, and that he has

*This Order dated April 26th, 1915, is printed at p. 497 below under the heading "Pre-Entry of Goods."

†39 and 40 Vict., c. 36,

‡5 Geo. V, c. 31, printed at pp. 234-6 above.

§If desired the word "order" may be inserted here instead of the name of the purchaser in the United Kingdom.

produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and description of cases.	Marks and Numbers.	Weight or quantity.	Total value †	Contents.	Name of Producer or Manufacturer.

This certificate is valid only for a period of not more than
from the date hereof.

(Signature of person
declaring).

(Signature of Consular Authority
issuing Certificate, and date.)

Bombay Castle, 15th June 1915.

*No. 6480.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 8256-IV., dated Simla, the 12th June 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 6th day of May 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the

††This column may be left blank if desired.

*Published in Bom. G. G., June 17th, 1915, Part I, p. 1570.

Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 3rd day of February 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by Orders of Council, dated respectively, the 2nd day of March 1915, the 18th day of March 1915, the 15th day of April 1915, the 21st day of April 1915, and the 26th day of April 1915, the said Proclamation was amended and added to in certain particulars :

And Whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation,* dated the 3rd day of February, 1915, as amended and added to by the Orders† of Council, dated respectively the 2nd day of March 1915, the 18th day of March 1915, the 15th day of April 1915, the 21st day of April 1915, and the 26th day of April 1915, should be further amended by making the following amendment in and addition to the same :—

- (1) That on and after the 13th May 1915, 'Anthracite' should be deleted from the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports), Spain and Portugal.
- (2) That on and after the 13th May 1915, the exportation of 'Coal (including anthracite and steam, gas, household and all other kinds of coal) and coke' be prohibited to all destinations abroad other than British Possessions and Protectorates and Allied Countries.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*Republished in Bom. G. G., March 25th, 1915, Part I, p. 884.

†Republished in Bom. G. G., 8th, April, p. 978, 22nd April, p. 1124, 20th May, p. 1357, 27th May, p. 1441, and 3rd June, 1915, p. 1468.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 11th May 1915.

*No. 5246.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 5863-W., dated Simla, the 8th May 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of raw cotton to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France Russia (except Baltic ports), Spain and Portugal.

(Signed) C. E. Low,

Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council.

G. CARMICHAEL,

Chief Secretary to Government.

Bombay Castle, 11th May 1915.

†No. 5243.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 5453-W., dated Simla, the 8th May, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of lacs of all kinds, including shellac, gum lac, stick lac, but not lac dye to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic ports), Spain and Portugal.

(Signed) C. E. Low,

Secretary to the Government of India.”

‡No. 5547.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 6566-W., dated Simla, the 15th May 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendment shall

*Published in Bom. G. G. Extraordinary, 11th May, 1915, Part I, p. 1285.

†Published in Bombay G. G., May 13th, 1915, Part I, p. 1313.

‡Published in Bom. G. G., May 20th, 1915, Part I, p. 1358.

be made in the notification of the Government of India in this Department, No. 1670-W.,† dated the 9th December 1914 :—

Delete the words 'Belgium' and 'Spain and Portugal' in the sixth line, and enter the word 'and' after the word 'Russia.'

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 5546.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 6405-W., dated Simla, the 15th May 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the notification in the Department of Commerce and Industry, No. 1669-W.,‡ dated the 9th December 1914, namely :—

- (i) Delete clause (c) of the first proviso to the said notification ; and
- (ii) add the following clauses :—
 - (c) The *bona fide* personal and household effects of persons entering the country.
 - (d) Goods imported from an allied country by way of a neutral country on a through bill of lading.
 - (e) Imports of Alabaster, Carbide of Calcium, Codliver oil, Curbstone, Cyanide of Calcium, Flax, Flax seed, Foodstuffs (other than sugar), Granite, Granite setts for paving, Ice, Iron ore, Marble, Pavement slates, Paving slates, Paving stone, Sienna earth, Slate stone, Strawboard, Tar, Timber of any kind (including pit-props), Mechanical wood pulp (excluding cellulose).

(Signed) C. E. Low,
Secretary to the Government of India."

§No. 5548.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 6600-W., dated Simla, the 15th May 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of notification in this Department No. 1919‡ dated the 20th February 1915, the Governor General in Council is pleased to direct that the following

†Republished at pages 2999—3000 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

*Published in Bom. G. G., May 20th, 1915, Part, I, p. 1558.

‡Republished at page 608 of the Bom. G. G., Part I, dated 25th February 1915.

§Published in Bom. G. G., 20th May, 1915, Part I, p. 1359.

amendments shall be made to the Schedule appended to the notification in the Department of Commerce and Industry, No. 25-W.,† dated the 17th October, 1914 :—

(i) In column I, after the entry 'Medical and Surgical Stores and Equipment of every description, other than

(1) Nux Vomica,

(2) Castor seed, Mustard seed, Linseed and oils extracted therefrom shall be added the figure and words

'(3) Senna, Magnesium Sulphate, Ajowan seed, Chiretta roots, Euphorbia, Pilulifera, Fennel seed, Dill seed and Gums;'

and (ii) in column II of Exceptions to the prohibition on the export of 'Medical and Surgical Stores and Equipment of every description' for the words 'Except exports by land and exports of Cinchona bark and Senna to the United Kingdom' shall be substituted the words 'Except exports by land; exports of Cinchona bark to the United Kingdom; and exports of Sandal wood and Colombo (Calumba) roots to the United Kingdom or a British Possession, France and the United States of America.'

(Signed) C. E. Low,
Secretary to the Government of India."

Bombay Castle, 18th May 1915.

*No. 5544.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 6101-W., dated Simla, the 15th May 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Rice to Egypt and all neutral ports on the Mediterranean and the Red Seas.

(Signed) C. E. Low,
Secretary to the Government of India."

Bombay Castle, 22nd June 1915.

†No. 6707.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 9149-W., dated Simla, the 19th June 1915.

The following Order in Council is published for general information :—

†Republished at pages 2509-10 of the Bom. G. G., Part I, dated 22nd October, 1914.

*Published in Bom. G. G., May 20th, 1915, Part I, p. 351.

†Published in Bom. G. G., June 24th, 1915, Part I, p. 1631.

AT THE COUNCIL CHAMBER, WHITEHALL,

The 20th day of May 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 3rd day of February 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by subsequent Orders of Council, the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 3rd day of February 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the following article should be added to the list of goods the exportation of which is prohibited to all destinations :—
Coal Tar, crude.
- (2) That the heading ' The compounds of aniline, except aniline salt' (which goods are prohibited to be exported to all destinations under the heading ' Coal tar products for use in dye manufacture, including aniline oil and aniline salt' in the aforesaid Proclamation) included by the Order of Council of the 18th day of March, 1915† in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates, should be deleted.
- (3) That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates :—
Chemicals, Drugs, Medicinal and Pharmaceutical preparations :—
Magnesium Chloride.

*Republished at pages 884 @ 891 of the Bom. G. G., Part I, dated 25th March 1915.

†Republished at pages 1123—1125 of the Bom. G. G., Part I, dated 22nd April 1915.

Oxides and salts of cobalt,
Oxalic Acid,
Phosphorus.

Manufactures of Aluminium.

Maps and plans of any place within the territory of any belligerent, or within the area of the military operations, on a scale of four inches to the mile or on any larger scale, or reproductions on any scale by photography or otherwise of such maps or plans.

- (4) That the heading 'India-rubber, sheet, vulcanised' (which goods are prohibited to be exported to all destinations abroad other than British Possessions and Protectorates in virtue of the Order of Council of the 18th day of March, 1915) in the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports,) Belgium, Spain and Portugal, should be deleted.
- 5) That the following articles should be added to the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Spain and Portugal :—
Lignum vitæ,
Rice and Rice Flour.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 5786.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 7113-W., dated Simla, the 22nd May 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Rice to Denmark, Norway and Sweden.

(Signed) C. E. Low,

Secretary to the Government of India."

Bombay Castle, 25th May 1915.

*No. 5782.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 7050-W., dated Simla, the 22nd May 1915.

In supersession of the Notification in the Department of Commerce and Industry, No. 1670-W.,† dated the 9th December 1914, and in exercise of the powers conferred by section 19 of the Sea Customs Act, 1878. (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that no goods shall be taken either by sea or by land out of British India‡ to any foreign place in Europe or on the Mediterranean [or the Black Seas]§ with the exception of the United Kingdom, Russia and France, unless declarations of Ultimate Destination, in the form prescribed in the annexed Schedule and signed by the actual exporter or by some responsible representative of the actual exporter (or in the case of a limited Company by a Director, Secretary, Manager or other responsible officer) having a personal and first-hand knowledge of the enquiries made and of the fact stated in the Declaration, are presented to the Customs Collector at the port of export in respect of such goods, wares or merchandise :

Provided that a single Declaration may be used to cover any number of consignments by the same exporter from the same port by the same ship at the same time :

Provided further that nothing in this notification shall apply to :—

- (a) Goods exported under a general or special license granted by the Governor General in pursuance of the Trading with the Enemy Proclamation No. 2¶ as amended by the Proclamation of the 8th October 1914 ;|| and
- (b) Goods in respect of which shipping bills have been accepted before the 15th December 1914.

FORM OF DECLARATION.

I, _____ of _____

do solemnly and sincerely declare as follows :—

I have made all necessary inquiries in order to satisfy myself as to the ultimate destination of the goods, particulars of which are set out in the Schedule below to be exported by me or on my behalf on board _____

*Published in Bom. G. G., May 27th, 1915, Part I, p. 1438.

†Republished at pages 2999—3000 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

‡Now add—‘ to Siam, China, Persia, Morocco and,’ vide Notification No. 20 of 1915 ; and Liberia, Port. E. Africa, vide Notification of 18th Dec. 1915.

§Omit—Now see Notification of 19th June, 1915.

¶Republished at pages 2837-2839 of the Bom. G. G., Extraordinary, Part I, dated 20th November 1914.

||Republished at pages 2839-2840 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

to _____, and consigned to
 of _____, and do hereby declare that to the best of
 my knowledge and belief none of such goods are intended for consumption
 in, or for transit through, any State at present at war with His Majesty,
 and I make this declaration conscientiously believing the same to be true.

SCHEDULE.

Number and descrip- tion of cases.	Marks.	Numbers.	Weight or Quantity.	Total Value.	Contents.

Dated

This _____ day of _____

(Signature of declarant)

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 5783.—The following Notification by the Government of India,
 Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 7051-W., dated Simla, the 22nd May 1915.

In supersession of the Notification in the Department of Commerce and
 Industry, No. 5453-W.† dated the 8th May 1915, and in exercise of the powers
 conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as
 amended by Act XII of 1914, the Governor General in Council is pleased to
 prohibit the export of lacs of all kinds including shellac, gum lac, stick lac,
 but not lac dye, to all ports in Europe and on the Mediterranean and Black
 Seas other than those of the United Kingdom, France, Russia (except Baltic
 Ports), Spain and Portugal :

Provided that nothing in this notification shall apply to :—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in—
 - (a) French or Portuguese possessions in India.

*Published in Bom. G. G., May 27th, 1915, Part I, p. 1440.

†Republished at page 1313 of the Bom. G. G., Part I, dated 13th May 1915.

- (b) Native States in India.
- (c) Ceylon, or
- (d) The Straits Settlements ;
- (iv) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 5784.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 7052-W., dated Simla, the 22nd May 1915.

In supersession of the Notification in the Department of Commerce and Industry, No. 5863-W., dated the 8th May 1915, and in exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of raw cotton to all ports in Europe and on the Mediterranean and Black Seas other than those of the United Kingdom, France, Russia (except Baltic Ports), Spain and Portugal :

Provided that nothing in this notification shall apply to :—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped to any Indian port ;
- (iii) Goods required for use or consumption in—
 - (a) French or Portuguese possessions in India,
 - (b) Native States in India,
 - (c) Ceylon, or
 - (d) The Straits Settlements ;
- (iv) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,
Secretary to the Government of India."

Bombay Castle, 13th July 1915.

†No. 7544.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 10806-W., dated Simla, the 10th July 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 2nd day of June 1915.

By the Lords of His Majesty's Most Honourable Privy Council,

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under

*Published in Bom. G. G., May 27th, 1915, Part I, p. 1441.

†Published in Bom. G. G., July 15th, 1915, Part I, p. 1791.

section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation dated the 3rd day of February 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain warlike stores was prohibited ;

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation dated the 3rd day of February, 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

That the heading 'Forage and food for animals' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading—

Forage and food which may be used for animals, namely :—

Beans, including haricot beans, Burma and Rangoon beans :

Brewers' and distillers' grains ;

Brewers' dried yeast ;

Cakes and meals, the following, namely :—

Cocoanut or poonac cake ;

Compound cakes and meal ;

Cottonseed cake, decorticated and undecorticated, and cottonseed meal ;

Gluten meal or gluten feed ;

Linseed cake and meal ;

Maize germ meal ;

Maize meal and flour ;

Hay ;

Lentils ;

Maize ;

Malt dust, culms, sprouts or combings ;

Offals of corn and grain, including :—

Bran and Pollard,

Mill dust and screenings of all kinds ;

*Republished at pages 884 to 891 of the Bom. G. G., Part I, dated 25th March, 1915.

Rice meal (or bran) and dust ;

Sharps and middlings.

Patent and proprietary cattle foods of all kinds ;

Straw.

2. That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations :

Oats ;

Wheat, wheat flour and wheat meal.

3. That the following sub-headings which have been hitherto included under the heading ' Oleaginous nuts, seeds and products ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted :—

Groundnuts (Arachides) ;

Palm kernels ;

Rape seed.

4. That the following sub-headings which have hitherto been included under the heading ' Provisions and victuals which may be used as food for man ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted :—

Barley and oats, including barley meal and pearled barley, and oatmeal ;
Wheat, wheat flour and wheat meal.

5. That the heading ' Maps and plans of any place within the territory of any belligerent, or within the area of the military operations, on a scale of four inches to the mile or on any larger scale, or reproductions on any scale by photography or otherwise of such maps or plans ' included by the Order of Council of the 20th day of May 1915,† in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading ' Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of four miles to one inch or on any larger scale, and reproductions on any scale by photography or otherwise of such maps or plans. '

6. That the heading ' Zinc and zinc ore (including zinc ashes, spelter, spelter dross, and zinc sheets) ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted and there be substituted therefor the heading ' Zinc (including zinc ashes, spelter, spelter dross, and zinc sheets) ' in the list of goods the exportation of which is prohibited to all destinations, and the heading ' Zinc ore ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates.

†Republished at pages 1631-1632 of the Bom. G. G., Part I, dated 24th June 1915.

7. That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates :—

Chemicals, drugs, medicinal and pharmaceutical preparations :—

Hydrochloric acid ;

Oxides and salts of nickel ;

Oxides and salts of tungsten ;

Metals and ores, the following, namely :—

Wulfenite ;

Mineral and vegetable wax ;

Oleaginous nuts, seeds and products, the following, namely :—

Groundnuts, earth nuts, or pea nuts (Arachides) ;

Hempseed ;

Palm nuts and palm kernels ;

Poppy seeds ;

Rape or colza seed ;

Sunflower seed ;

Provisions and victuals which may be used as food for man, namely :—

Barley, barley meal, and pearled and pot barley ;

Oatmeal and rolled oats.

Tungsten filaments for electric lamps.

8. That the following articles should be added to the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Spain and Portugal :—

Chemicals, drugs, etc. :—

Arsenic and its compounds ;

Forage and food which may be used for animals, namely :—

Buckwheat ;

Cakes and meals, the following, namely :—

Biscuit meal ;

Calf meal ;

Fish meal (including fish guano) and concentrated fish ;

Groundnut or earthnut cake and meal ;

Hempseed cake and meal ;

Husk meal ;

Locust bean meal ;

Meat meal ;

Palmnut cake and meal ;

Poppyseed cake and meal ;

Rapeseed or colzaseed cake and meal ;

Sesame seed cake and meal ;

Soya bean cake and meal ;

Sunflower seed cake and meal ;

Chick peas, pigeon peas, gram or dhol ;

Dari ;

Millet ;

Molasses for cattle feeding ;
 Provisions and victuals which may be used as food for man, namely :—
 Onions ;
 Potatoes ;
 Rye, rye flour and meal.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 6481.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 8395-W., dated Simla, the 12th June 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the Schedule appended to the Notification in the Department of Commerce and Industry No. 25-W.,† dated the 17th October 1914 :—

Delete the entry regarding Manganese and Wolfram, and *insert* the following :—

Column I. Prohibited goods.	Column II. Exceptions.
Manganese ore	Except to the United Kingdom and France.
Wolfram and Tungsten or any Tungsten ore.	Except to the United Kingdom.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 6708.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

†Republished at pages 2509 and 2510 of the Bom. G. G., Part I, dated 22nd October 1914.

*Published in Bom. G. G., June 24th, 1915, Part I, p. 1633.

“CUSTOMS.

No. 9175-W., dated Simla, the 19th June 1915.

In supersession of the notification in the Department of Commerce and Industry, No. 1669-W.,* dated the 9th December 1914, as subsequently amended, and in exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in council is pleased to prohibit the bringing, by sea or by land, into British India of all goods, from Norway, Sweden, Denmark, Holland, Switzerland and Italy unless Certificates of Origin in the form prescribed in the annexed Schedule are presented to the Customs Collector at the port of import in respect of such goods, wares or merchandise :

Provided that nothing in this notification shall apply to :—

- (a) Goods imported under a general or special license granted by the Governor General in pursuance of the Trading with the Enemy Proclamation No. 2† as amended by the Proclamation of the 8th October 1914.‡
- (b) Goods shipped for India on or before the 21st December 1914 ;
- (c) The *bonâ fide* personal and household effects of persons entering the country ; •
- (d) Goods imported from an allied country by way of a neutral country on a through bill of lading or by through postal parcel, or in respect of goods of enemy origin imported under license ; and
- (e) Imports of alabaster, carbide of calcium, codliver oil, curbstone, cyanide of calcium, flax, flaxseed, food-stuffs (other than sugar) granite, granite setts for paving, ice, iron ore, marble, pavement slates, paving slates, paving stones, sienna-earth, slatestone, strawboard, tar, timber of any kind (including pit-props), mechanical wood pulp (excluding cellulose).

Provided also that the Collector of Customs may, at his discretion and if he sees no reason for suspecting that the goods have emanated from an enemy territory, allow delivery of any goods, wares or merchandise imported from the above-mentioned countries, even if unaccompanied by Certificates of Origin and not covered by the first proviso to this notification, on the importer furnishing him with a deposit or bond to the amount of three times the value of the goods to ensure the production of the necessary certificates within a prescribed period.

FORM OF CERTIFICATE OF ORIGIN.

I, _____, hereby certify that Mr. _____ (Producer, Manufacturer, Merchant, Trader, etc.), residing at _____ in this town has declared before me that the merchandise designated below, which is to be shipped from this town to _____, consigned

*Republished at pages 2998-2999 of the Bom. G. G. Extraordinary, Part I, dated 12th December 1914.

†Republished at pp. 2837-2839 of Bom G.G. Extraordinary, Part I, dated 20th Nov. 1914.

‡Republished at pp. 2839 and 2840 of Bom. G.G. Extraordinary, Part I, dated 20th Nov. 1914.

to(a) (Merchant, Manufacturer, etc.,) in India, has not been produced or manufactured in enemy territory, and has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and description of cases.	Marks and Numbers.	Weight or quantity.	Total value. (b)	Contents.	Name and address of Producer or Manufacturer. (c)

This certificate is valid only for a period of not more than from the date hereof.

(Signature of person declaring.) (Signature of Consular Authority issuing Certificate, and date.)

- (a) If desired the word "order" may be inserted here instead of the name of the purchaser in India.
- (b) This column may be left blank if desired.
- (c) This column may be left blank at the request of the declarant, but the name and address of the producer or manufacturer must be inserted in a separate document issued at the same time by the Consular Officer, which will only be inspected by the Customs Authorities.

(Signed, C. E. Low,
Secretary to the Government of India."

*No. 6709.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 9195-W., dated Simla, the 19th June 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the words 'or the Black Seas' shall be *deleted* in the notification in the Department of Commerce and Industry, No. 7050-W.,† dated the 22nd May 1915.

(Signed) C. E. Low,
Secretary to the Government of India."

*Published in Bom. G. G., 24th June, 1915, Part I, p. 1635.

†Republished at pages 1439-1440 of the Bom. G. G., Part I, dated 27th May 1915.

No. 6710.—The following Notification by the Government of India Commerce and Industry Department, is republished :—

“ SALT.

No. 9222, dated Simla, the 19th June 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the taking of manurial mixtures containing saltpetre by sea or by land out of British India.

(Signed) C. E. Low,
Secretary to the Government of India.”

No. 6711.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ INDUSTRIES.

No. 9393.-W., dated Simla, the 19th June 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the words ‘ Egypt and ’ shall be deleted in the Notification in the Department of Commerce and Industry. No. 6101-W.,† dated the 15th May 1915.

(Signed) C. E. Low,
Secretary to the Government of India.”

No. 7781.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 11680-W., dated Simla, the 17th July 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 24th day of June 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade ;

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made

†Republished at page 1357 of the Bom. G. G., Part I, 20th May 1915.

before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 3rd day of February 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 3rd day of February 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

1. That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations :—
 Capsicum and oleo-resin of capsicum ;
 Chemicals, drugs, etc., viz. :—
 Caffeine and its salts ;
 Paraldehyde ;
 Theobromine-sodium salicylate.
2. That the following articles should be added to the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates :—
 Bone ash ;
 Guanos ;
 Phosphates of metals, manufactured ;
 Phosphate rock, viz. :—
 Apatites ;
 Phosphates of lime and alumina ;
 Phosphides ;
 Phosphoric acids and oxides ;
 Steel containing tungsten or molybdenum or both, and any tools or other articles made from such steel.
3. That the heading ' Rubber (including raw, waste, and reclaimed rubber, solutions containing rubber, jellies containing rubber, or any other preparations containing rubber) and goods made wholly of rubber ; including tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deemed to include balata and gutta-percha and the following varieties of

*Republished at pages 884 @ 891 of the Bom. G. G., Part I, dated 25th March 1915.

rubber, viz., 'Borneo, Guayule, Jelutong, Palembang, Pontianac, and all other substances containing caoutchouc'; and that the words 'goods made wholly or partly of rubber' should be substituted for the words 'goods made wholly of rubber' in the aforesaid heading.

4. That the heading 'rosin' in the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Belgium, Spain and Portugal, should be deleted.
5. That the exportation of the following goods should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Spain and Portugal :—
Cotton yarn and thread.
Gums, resins, balsams, and resinous substances of all kinds, except such as contain caoutchouc (the export of substances containing caoutchouc being prohibited to all destinations abroad other than British Possessions and Protectorates).
Hair, animal, of all kinds; and tops, noils and yarns of animal hair.
6. That the exportation of the following goods should be prohibited to ports in Denmark, the Netherlands, Norway, and Sweden :—
Terneplates.
7. That the exportation of 'tin-plates, including tin boxes and tin canisters for food packing' which is prohibited to ports in Denmark, the Netherlands, and Sweden, should be prohibited also to ports in Norway.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order and it is hereby ordered, that the same be approved, whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

No. 8026.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"COMMERCE AND TRADE.

No. 12221-W., dated Simla, the 24th July 1915.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Relating to Trading with persons of Enemy Nationality Resident or Carrying on Business in China, Siam, Persia or Morocco.

GEORGE, R. I.

WHEREAS it is expedient that transactions between British subjects and persons of enemy nationality resident or carrying on business in China, Siam, Persia, or Morocco should be restricted in manner provided by this Proclamation :

NOW, THEREFORE, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared as follows :—

1. The Proclamations for the time being in force relating to Trading with the Enemy shall, as from the twenty-sixth day of July, nineteen hundred and fifteen, apply to any person or body of persons of enemy nationality resident or carrying on business in China, Siam, Persia or Morocco in the same manner as they apply to persons or bodies of persons resident or carrying on business in an enemy country.

Provided that where an enemy has a branch locally situated in China, Siam, Persia, or Morocco, nothing in Article 6 of the Trading with the Enemy Proclamation No. 2 shall be construed so as to prevent transactions by or with that branch being treated as transaction by or with an enemy.

2. Nothing in this Proclamation shall be taken to prohibit anything which may be specially permitted by OUR license or by a license given on OUR behalf by a Secretary of State or the Board of Trade or the Lords Commissioners of OUR Treasury.

3. This Proclamation shall be called the Trading with the Enemy (China, Siam, Persia, and Morocco) Proclamation, 1915.

Given at OUR Court at Buckingham Palace, this twenty-fifth day of June, in the year of Our Lord one thousand nine hundred and fifteen and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 6994.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 9911-W., dated Simla, 26th June 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendment shall be made in the Schedule appended to the Notification in the Department of Commerce and Industry, No. 25-W.,† dated the 17th October, 1914, as amended by Notification No. 8395-W.,‡ dated the 12th June, 1915 :—

*Published in Bom. G. G., July 1st, 1915, Part I, pp. 1669-1670.

†Republished at pages 2509-2510 of the Bom. G. G., Part I, dated 22nd October, 1914.

‡Republished at page 1571 of the Bom. G. G., Part I, dated 17th June, 1915.

In Column II—Exceptions: Delete the words 'Except to the United Kingdom and France' against the entry 'Manganese ore' in Column I,—Prohibited goods.

(Signed) C. E. Low,
Secretary to the Government of India."

Bombay Castle, 6th July 1915.

*No. 7272.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 10373-W., dated Simla, the 3rd July 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of rice to Holland and her Colonies.

(Signed) C. E. Low,
Secretary to the Government of India."

No. 7273.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 10480-W., dated Simla, the 3rd July 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendment shall be made in the notification in the Department of Commerce and Industry, No. 2561-W., dated the 13th March 1915 :—

Delete the words 'other than linseed oil, boiled and unboiled, unmixed with other oil, and' after the words 'Oils, all vegetable.'

(Signed) C. E. Low,
Secretary to the Government of India."

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 9th July 1915.

†No. 7399.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 10625-W., dated Simla, the 5th July 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor

*Published in Bom. G. G., 8th July, 1915, Part I, p. 1748.

†Published in Bom. G. G., 8th and 9th July, 1915, Part I, p. 1767.

General in Council is pleased to prohibit the export of all goods to Holland.

(Signed) C. E. Low,
Secretary to the Government of India."

By Order of His Excellency the Right Honourable the Governor in Council.

(Signed) G. CARMICHAEL,
Chief Secretary to Government.

Bombay Castle, 10th August 1915.

*No. 8492.—The following Notification by the Government of India, Commerce and Industry Department, is republished :

"CUSTOMS.

No. 13106-W., dated Simla, the 7th August 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 8th day of July 1915^f.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879 as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 3rd day of February 1915,[†] and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 3rd day of February 1915,[†] as amended and added to by subsequent Orders of Council, should be further

*Published in Bom. G. G., Aug. 12th, 1915, Part I, p. 2033.

[†]Republished at pages 884 @ 891 of the Bom. G. G., Part I, dated 25th March 1915.

amended by making the following amendments in, and additions to, the same :—

- (1) That the headings ' Jute yarns ' and ' Jute piece-goods ' in the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Belgium, Spain and Portugal, should be deleted, and that the exportation of ' Jute yarns ' and ' Jute piece-goods and bags and sacks made of jute,' should be prohibited to all destinations.
- (2) That the heading ' Bags and sacks of all kinds (not including paper bags)' in the list of goods the exportation of which is prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Belgium, Spain and Portugal, should be deleted, and there be substituted therefor the heading, ' Bags and sacks of all kinds (not including bags and sacks made of jute, the exportation of which is prohibited to all destinations, and not including paper bags).'
- (3) That the exportation of ' tin plates, including tin boxes and tin canisters for food packing,' which is at present prohibited to ports in Denmark, the Netherlands, Norway and Sweden, should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Spain and Portugal.
- (4) That the exportation of the following goods should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic ports), Spain and Portugal :—

Cassava powder and tapioca.

Mandioca or tapioca flour.

Rattans.

Sago and sago meal and flour.

Now, THEREFORE, Their Lordship's, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 7545.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 10847-*W.*, dated Simla, the 10th July 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following entry shall be inserted in the Schedule appended to the Notification in the Department of Commerce and Industry, No. 25-*W.*,† Customs, dated the 17th October 1914.

SCHEDULE.

Column I—Prohibited goods.

Column II—Exceptions.

Mica	Except to the United Kingdom or to a British Possession.
------	----	----	----	----	----	--

(Signed) C. E. Low,
Secretary to the Government of India.”

*No. 7546.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 10930-*W.*, dated Simla, the 10th July 1915.

In supersession of the Notification in the Department of Commerce and Industry, No. 203-*W.*,‡ dated the 26th October 1914, and in exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Hides and Skins (raw) to all ports other than those of the United Kingdom and British Possessions.

(Signed) C. E. Low,
Secretary to the Government of India.”

§No. 7780.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ POST AND TELEGRAPH ESTABLISHMENTS.

No. 11626-*W.*, dated Simla, 17th July, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of cotton yarn and thread, gums, resins, balsams and resinous substances of all kinds to all ports in

*Published in Bom. G. G., July 15th, 1915, Part I, p. 1794.

†Republished at pages 2509-2510 of the Bom. G. G., Part I, dated 22nd October 1914.

‡Republished at page 2545A of the Bom. G. G. Extraordinary, Part I, dated 28th October 1914.

§Published in Bom. G. G., 22nd July, 1915, Part I, p. 1910.

Europe and on the Mediterranean and Black Seas, other than those of the United Kingdom, France, Russia (except Baltic Ports), Spain and Portugal :

Provided that nothing in this Notification shall apply to :—

- (i) Goods shipped by, or for, the use of the Crown,
- (ii) Goods shipped for use or consumption during voyage.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 8813.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

No. 13597-W., dated Simla, 14th August, 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 19th day of July, 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Privy Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation dated the 3rd day of February, 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain Warlike Stores was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the exportation of the goods which, in virtue of the Proclamation of February 3rd and subsequent amending Orders of Council, are at present prohibited to be exported to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Russia (except Baltic Ports), Spain and Portugal, should be

*Published in Bom. G. G., 19th Aug. 1915, Part I, p. 2070.

†Republished at pp. 884 to 891 of Bom. G. G., Part I, dated 25th March, 1915.

prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas, other than those of France, Italy, Russia (except Baltic ports), Spain and Portugal.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India.

Bombay Castle, 27th July, 1915.

*No. 8024.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

“CUSTOMS.”

No. 12174-W., dated Simla, the 24th July, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of rattans and bamboos to all ports in Europe and on the Mediterranean and Black Seas other than those of the United Kingdom, France, Italy, Russia (except the Baltic Ports), Spain and Portugal:—

Provided that nothing in this notification shall apply to:—

- (i) Goods shipped by, or for the use of, the Crown; and
- (ii) Goods shipped for use during voyage.

(Signed) C. E. Low,

Secretary to the Government of India.”

*No. 8025.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

“CUSTOMS.”

No. 12202-W., dated Simla, 24th July, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the notifications in the Department of Commerce and Industry, referred to below:—

- (i) delete the word 'Italy' in Notification No. 4384-W (a) dated the 24th April, 1915;
- (ii) insert the word 'Italy' after the word 'France' in Notifications Nos. 187-W., (b) dated the 24th October, 1914, 2561-W., (c) dated the 13th March, 1915, 6600-W., (d) dated the 15th May, 1915, 7051-W., (e) dated the 22nd May, 1915, 7052-W., (f) dated the 22nd May, 1915, and 11626-W., (g) dated the 17th July, 1915.

(Signed) C. E. Low,

Secretary to the Government of India."

*†No. 9069.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 13811-W., dated Simla, the 21st August 1915.

In supersession of the Notifications in this Department Nos. 2894-W.,* dated the 20th March 1915; 3358-W.,† dated the 3rd April 1915; 3957-W.,‡ dated the 17th April 1915; 6314-W.,§ dated the 15th May 1915; 7073-W.,|| dated the 22nd May 1915; 7616-W.,¶ dated the 29th May 1915; 8256-W.,⌘ dated the 12th June 1915; 9149-W.,** dated the 19th June 1915; 10806-W.,†† dated the 10th July 1915; 11680-W.,‡‡ dated the 17th July 1915; 13106-W.,§§ dated the 7th August 1915, and 13597-W.,||§ dated the

- (a) Republished at page 1189 of the Bom. G. G., Part I, dated 29th April, 1915.
- (b) Republished at page 2559 of the Bom. G. G., Part I, dated 29th October, 1914.
- (c) Republished at page 851 of the Bom. G. G., Part I, dated 18th March, 1915.
- (d) Republished at pages 1358-1359 of the Bom. G. G., Part I, dated 20th March, 1915.
- (e) Republished at page 1440 of the Bom. G. G., Part I, dated 27th May, 1915.
- (f) Republished at page 1441 of the Bom. G. G., Part I, dated 27th May, 1915.
- (g) Republished at page 1910 of the Bom. G. G., Part I, dated 22nd July, 1915.
- *†Published in Bom. G. G., Aug. 26th, 1915, Part I, p. 2158.
- *Republished at pages 884—891 of the Bom. G. G., Part I, dated 25th March 1915.
- †Republished at pages 978-979 of the Bom. G. G., Part I, dated 8th April 1915.
- ‡Republished at pages 1123-1125 of the Bom. G. G., Part I, dated 22nd April 1915.
- §Republished at pages 1357-1358 of the Bom. G. G., Part I, dated 20th May 1915.
- ||Republished at pages 1441-1442 of the Bom. G. G., Part I, dated 27th May 1915.
- ¶Republished at page 1468 of the Bom. G. G., Part I, dated 3rd June 1915.
- ⌘Republished at pages 1570-1571 of the Bom. G. G., Part I, dated 17th June 1915.
- **Republished at pages 1631-1632 of the Bom. G. G., Part I, dated 24th June 1915.
- ††Republished at pages 1791-1794 of the Bom. G. G., Part I, dated 15th July 1915.
- ‡‡Republished at pages 1910-1912 of the Bombay G. G., Part I, dated 22nd July 1915.
- §§Republished at pages 2033-2034 of the Bom. G. G., Part I, dated 12th August 1915.
- ||§Republished at page 2070 of the Bom. G. G., Part I, dated 19th August 1915.

14th August 1915, the following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Prohibiting under section 8 of 'The Customs and Inland Revenue Act, 1879,' and section 1 of 'The Exportation of Arms Act, 1900,' and section 1 of 'The Customs (Exportation Prohibition) Act, 1914,' and section 1 of 'The Customs (Exportation Restriction) Act, 1914,' the Exportation from the United Kingdom of certain Articles.

GEORGE, R. I.

Whereas by section 8 of 'The Customs and Inland Revenue Act, 1879,' it is enacted that the exportation of arms, ammunition, and gunpowder, military and naval stores, and any articles which WE shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man may be prohibited by Proclamation.

And whereas by section 1 of 'The Exportation of Arms Act, 1900,' it is enacted that WE may by Proclamation prohibit the exportation of all or any of the following articles, namely, arms, ammunition, military and naval stores, and any article which WE shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named whenever WE shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against OUR subjects or forces or against any forces engaged or which may be engaged in military or naval operations in co-operation with OUR forces.

And whereas by section 1 of 'The Customs (Exportation Prohibition) Act, 1914,' it is enacted that section 8 of the aforesaid 'Customs and Inland Revenue Act, 1879,' shall have effect whilst a state of war in which WE are engaged exists as if in addition to the articles therein mentioned there were included all other articles of every description.

And whereas it is further enacted by section 2 of 'The Customs (Exportation Prohibition) Act, 1914,' that any Proclamation or Order in Council made under section 8, as so amended, of 'The Customs and Inland Revenue Act, 1879,' may whilst a state of war exists be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas, by section 1 of 'The Customs (Exportation Restriction) Act, 1914,' it is enacted that section 1 of the 'Exportation of Arms Act, 1900,' shall have effect whilst a state of war in which WE are engaged exists as if in addition to the articles therein mentioned there were included all other articles of every description :

And whereas it is further enacted by section 2 of 'The Customs (Exportation Restriction) Act, 1914,' that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation

was made before or after the passing of the Act now in recital, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas a Proclamation dated the 3rd February, 1915, and various Orders, dated, respectively, the 2nd and the 18th March, the 15th, the 21st and the 26th April, the 6th and the 20th May, the 2nd and the 24th June, the 8th and the 19th July, 1915, prohibiting the exportation of certain articles therein referred to from the United Kingdom to certain or all destinations, have been issued in pursuance of the aforesaid powers :

And whereas it is expedient that the said Proclamation and Orders should be consolidated, with amendments and additions, and that such Proclamation and Orders should be revoked :

And whereas WE have deemed it expedient to prohibit the exportation of the articles hereinafter enumerated :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation, declaring, and it is hereby declared, that the abovementioned Proclamation and Orders be and the same are hereby revoked.

And WE have further thought fit, by and with the advice aforesaid, and in virtue and in exercise of the powers aforesaid, further to declare, and it is hereby declared, as follows :—

(A) That the exportation of the following goods be prohibited to all destinations :

Aircraft of all kinds, including aeroplanes, airships, and balloons, and their component parts, together with accessories, and articles suitable for use in connection with aircraft, including :—non-inflammable ‘celluloid sheet’ (or similar transparent material non-soluble in lubricating oil, petrol or water) ; aeroplane dope ; high tensile steel tubes ; aeroplane instruments (aneroids, barographs, revolution indicators) ; aeroplane turnbuckles ; steel stampings ; aeroplane engines and parts ;

Animals, pack, saddle and draught, suitable for use in war ; Cannon and other ordnance and machine guns, and parts thereof ; Capsicum and oleoresin capsicum ;

Carbons, suitable for search-lights ;

Carriages and mountings for cannon and other ordnance, and for machine-guns and parts thereof ;

Cartridges, charges of all kinds, and their component parts ;

Celluloid ;

Chemicals, drugs, dyes and dyestuffs, medicinal and pharmaceutical preparations, and tanning extracts, namely :—

Aceto-celluloses ;

Acetone ;

Acetylsalicylic acid (aspirin) ;

Alcohol, methylic ;

Ammonium nitrate, perchlorate and sulphocyanide ;

Amyl acetate ;

Anthracene oil and green oil ;
 Antipyrine (phenazone) ;
 Anti-tetanus serum ;
 Belladonna, its alkaloids and preparations, including belladonna plaster ;
 Benzol ;
 Caffeine and its salts ;
 Calcium acetate and all other metallic acetates ;
 Cantharides and its preparations ;
 Carbolic acid ;
 Carbon disulphide ;
 Chloral and its preparations, including chloramid ;
 Chlorates, perchlorates and nitrates, all metallic ;
 Coal tar distillation products, being the fractions of the distillation products of coal tar between benzol and cresol.
 Coal tar products for use in dye manufacture, including aniline oil and aniline salt ;
 Collodion ;
 Cresol and all preparations of cresol (including cresylic acid) and nitro cresol (except saponified cresol) ;
 Cyanamide ;
 Diethylbarbituric acid (veronal) and veronal sodium ;
 Dimethylaniline ;
 Dyes and dyestuffs manufactured from coal tar products ;
 Emetin and its salts ;
 Ergot of rye, not including liquid extract or other medicinal preparations of ergot ;
 Eucaine hydrochlor ;
 Fusel oil (amylalcohol) ;
 Gentian and its preparations ;
 Glycerine, crude and refined ;
 Henbane and its preparations ;
 Hydroquinone ;
 Indigo, natural ;
 Ipecacuanha root ;
 Manganese, peroxide of ;
 Methylaniline ;
 Neo-salvarsan ;
 Nitric acid ;
 Nitro-toluol ;
 Novocain ;
 Opium and its preparations and alkaloids ;
 Paraffin, liquid medicinal ;
 Paraformaldehyde and trioxymethylene ;
 Paraldehyde ;
 ' Peptone Witte ' ;
 Phenacetin ;
 Picric acid and its components ;

- Potash, caustic ;
- Potassium cyanide ;
- Potassium permanganate ;
- Protargol, not including silver proteinate ;
- Pyridine ;
- Saccharin (including 'saxin') ;
- Salicylic acid, methyl salicylate, sodium salicylate, and theobrominesodium salicylate ;
- Salol ;
- Salvarsan ;
- Santonin and its preparations ;
- Sulphonal ;
- Sulphur, and spent oxide of sulphur ;
- Sulphur, dioxide, liquefied ;
- Sulphuric acid ;
- Tanning, extracts for use in, the following :—
 - Chestnut ;
 - Oakwood extract ;
 - Thorium, oxide and salts of ;
 - Thymol and its preparations ;
 - Toluol and mixtures containing toluol ;
 - Trephenyl phosphate ;
 - Trional ;
 - Valonia ;
- Coal tar, crude ;
- Compasses, other than ships' compasses ;
- Cotton fabric, suitable for aircraft ;
- Cotton waste of all descriptions ;
- Explosives of all kinds ;
- Field glasses and telescopes ;
- Firearms, rifled, of all kinds, and their component parts ;
- Flax fabrics suitable for aircraft ;
- Flax, raw ;
- Forage and food which may be used for animals, namely :—
 - Beans, including haricot beans, Burma and Rangoon beans ;
 - Brewers' and distillers' grains ;
 - Brewers' dried yeast ;
 - Cakes and meals, the following, namely :—
 - Cocoanut and poonac cake ;
 - Compound cakes and meal ;
 - Cottonseed cake, decorticated and undecorticated, and cottonseed meal ;
 - Gluten meal or gluten feed ;
 - Linseed cake and meal ;
 - Maize germ meal ;
 - Maize meal and flour ;
 - Hay ;
 - Lentils ;

Maize ;
Malt dust, malt flour, culms, sprouts or combings ;
Offals of corn and grain, including :—
 Bran and pollard ;
 Mill dust and screenings of all kinds ;
 Rice meal (or bran) and dust ;
 Sharps and middlings ;
 Patent and proprietary cattle foods of all kinds ;
 Straw ;
Glass for optical instruments ;
Gold beaters' skin ;
Grindery, the following articles of, used in the making of boots and shoes ;
 Brass rivets, for use by hand or machine ;
 Cutlan studs, for use by hand or machine ;
 Heel attaching pins, for use by hand or machine ;
 Lasting tacks or rivets, including iron shoe rivets, for use by hand or machine ;
 Steel bills, for use by hand or machine ;
 Heel tips ;
 Heel tip nails ;
 Hobnails of all descriptions ;
 Protector studs ;
 Screwing wire ;
Harness and Saddlery which can be used for military purposes, including metal fittings for such harness and saddlery ;
Heliographs ;
Hemp, other than Manila hemp ;
Hides of cattle, buffaloes, and horses, and calfskins ;
Hosiery needles ;
Iron pyrites ;
Jute piece-goods, and bags and sacks made of Jute ;
Jute yarns ;
Khaki woollen cloth ;
Leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing ;
Magnetos ;
Meat, namely, beef and mutton, fresh or refrigerated ;
Oats ;
Periscopes ;
Projectiles of all kinds and their component parts ;
Range finders and parts thereof ;
Sheepgut ;
Silk cloth, silk braid, silk thread, suitable for cartridges ;
Silk noils ;
Silk, Shantung, in the piece ;
Spirits, methylated ;
Spirits of the strength of not less than 43 degrees above proof ;
Swords, bayonets and other arms (not being firearms) and parts thereof ;

Tarpaulins and waggon covers ;
 Wheat, wheat flour and wheat meal ;
 Wood, namely :—

Ash,
 Ash three-ply wood,
 Spruce,
 Walnut wood.

Zinc (including zinc ashes, zinc rods, zinc sheets, spelter, and spelter
 dross.)

(B) That the exportation of the following goods be prohibited to all
 destinations abroad other than British Possessions and Protectorates :—

Accoutrements, namely, web equipment, leather belts, leather band-
 oliers, leather pouches, other leather articles of personal equipment
 suitable for military purposes.

Alunite ;

Blankets, coloured, exceeding 3½ lbs. in weight, containing wool ;

Bone ash ;

Boots, heavy, for men ;

Camp equipment, articles of, including tents and their component parts,
 wooden huts, ovens, camp kettles, buckets, lanterns, and horse
 rugs ;

Carts, two-wheeled, capable of carrying 15 cwt., or over, and their com-
 ponent parts ;

Chemicals, drugs, medicinal and pharmaceutical preparations, namely,
 Acetanillide ;

Aconite and its preparations and alkaloids ;

Ammonia and its salts, whether simple or compound, other than
 ammonium nitrate, perchlorate and sulphocyanide ;

Ammonia, liquefied ;

Ammonia, liquor ;

Antimony, sulphides and oxides of ;

Benzoic acid (synthetic) and Benzoates ;

Bromine and alkaline bromides ;

Calcium carbide ;

Carbon tetrachloride ;

Chloride of tin ;

Chlorine (including liquefied chlorine) ;

Coca and its preparations and alkaloids ;

Copper iodide ;

Copper, suboxide of ;

Copper sulphate ;

Cresol (saponified) ;

Formic aldehyde ;

Hexamethylene tetramin (urotropin) and its preparations ;

Hydrobromic acid ;

Hydrochloric acid ;

Magnesium chloride and sulphate ;

Mercury, salts and preparations of (other than nitrate of mercury) ;

- Oxalic acid ;
- Oxides and salts (other than chlorates, perchlorates, and nitrates) of the following metals :—
 - Aluminium ;
 - Cobalt ;
 - Nickel ;
 - Tungsten ;
- Phosphorus and its compounds ;
- Potash salt (except potassium chlorate, cyanide, nitrate (saltpetre), perchlorate, and permanganate) ;
- Prussiate of soda ;
- Sodium hyposulphite (thiosulphate) ;
- Tartaric acid, cream of tartar, and alkaline tartrates ;
- Urea and its compounds ;
- Zinc chloride and sulphate ;
- Coal sacks ;
- Deer skins, dressed and undressed ;
- Draw plates, jewelled, for drawing steel wire and diamonds prepared for use therein ;
- Electros for printing purposes, composed of lead, antimony, and copper ;
- Ferro alloys, including :—
 - Ferro-chrome ;
 - Ferro-manganese ;
 - Ferro-molybdenum ;
 - Ferro-nickel ;
 - Ferro-titanium ;
 - Ferro-tungsten ;
 - Ferro-vanadium ;
 - Spiegeleisen ;
- Ferro-silicon ;
- Forges, portable ;
- Goat skins, dressed and undressed ;
- Graphite, including foundry (moulding) plumbago and plumbago for lubricating ;
- Guanos ;
- Hemp, the following manufactures of :—
 - Cloth ;
 - Cordage and twine, not including cordage or twine of Manila hemp or reaper or binder twine ;
- Horseshoes ;
- Jute, raw and carded ;
- Lubricants ;
- Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of four miles to one inch or on any larger scale ; and reproductions on any scale by photography or otherwise of such maps or plans ;
- Metals and ores, namely :—
 - Aluminium, manufactures of aluminium, and alloys of aluminium ;

- Antimony and alloys of antimony, including anti-friction metal ;
- Bauxite ;
- Chrome ore ;
- Cobalt ;
- Copper, unwrought and part wrought, all kinds, including alloys of copper (such as brass, gun metal, naval brass and delta metal, phosphor copper, phosphor bronze, and solder containing copper), copper and brass circles, slabs, bars, ingots, scrap, rods, and plates, and also wrought copper of the following descriptions :—
 - Copper and brass pipes, sheets, solid drawn tubes, condenser plates, copper wire, brass wire, bronze wire, perforated brass sheets, perforated brass linings, and copper foil ;
- Lead, pig, sheet, or pipe (including solder containing lead) ;
- Lead ore ;
- Manganese and manganese ore ;
- Mercury ;
- Molybdenum and molybdenite ;
- Nickel and nickel ore ;
- Scheelite ;
- Selenium ;
- Steel containing tungsten or molybdenum or both, and any tools or other articles made from such steel ;
- Tin and tin ore ;
- Tungsten ;
- Vanadium ;
- Wolframite ;
- Wulfenite ;
- Zinc ore ;
- Mica (including mica splittings) and micanite ;
- Mineral jellies ;
- Mines and parts thereof ;
- Oil, blast furnace (except creosote and creosote oil) ;
- Oil fuel, shale ;
- Oils and fats, all animal and vegetable, including fatty acids, but not including essential oils ;
- Oil, whale, (train blubber, sperm), seal oil, shark oil, fish oil—generally, and mixtures or compounds of any of the foregoing ;
- Oleaginous nuts, seeds and products, namely :—
 - Castor beans ;
 - Cocoanuts ;
 - Copra ;
 - Cotton seed ;
 - Groundnuts, earth nuts or pea nuts (Arachides) ;
 - Hempseed ;
 - Linseed ;
 - Palm nuts and palm kernels ;

- Poppy seeds ;
- Rape or colza seed ;
- Sesame seed ;
- Soya beans ;
- Sunflower seed ;
- Paraffin wax, wax candles, and waxed paper ;
- Petroleum, fuel oil (including turpentine substitute and paraffin oil ;
- Petroleum, gas oil ;
- Petroleum spirit and motor spirit (including Shell spirit) ;
- Phosphate rock, viz :—
 - Apatites ;
 - Phosphates of lime and alumina ;
 - Pigskins, dressed or undressed ;
- Provisions and victuals which may be used as food for man, namely :—
 - Animals, living, for food ;
 - Barley, barley meal, and pearly and pot barley ;
 - Butter ;
 - Cheese ;
 - Eggs in shells ;
 - Lard and imitation lard ;
 - Malt ;
 - Margarine ;
 - Milk, condensed, sweetened or not ;
 - Oatmeal and rolled oats ;
 - Peas, except tinned and bottled peas and peas packed in cardboard boxes and similar receptacles ;
 - Sugar, refined and candy ;
 - Sugar, unrefined ;
- Rope (steel wire) and hawsers ;
- Rubber (including raw, waste and reclaimed rubber, solutions containing rubber, jellies containing rubber, or any other preparations containing rubber, and also including balata, gutta-percha, and the following varieties of rubber, viz.,—Borneo, Guaye, Jelutong, Palembang, Pontianac and all other substances containing caoutchouc) and goods made wholly or partly of rubber ; including tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres.
- Searchlights ;
- Sheepskins, tanned ;
- Sheepskins, whether woolled or not ;
- Signalling lamps of all kinds capable of being used for signalling Morse or other code, and component parts of such lamps ;
- Submarine sound-signalling apparatus ;
- Surgical bandages and dressings (including buttercloth) ;
- Tanning substances of all kinds (including extracts for use in tanning), except chestnut extract, oakwood extract, and valonia ;

Telephone sets and parts thereof, field service telegraph and telephone cable ;

Torpedo nets ;

Torpedo tubes ;

Torpedoes and parts thereof ;

Tungsten filaments for electric lamps ;

Turpentine (oil and spirit) ;

Uniform clothing and military equipment ;

Vessels, boats and craft of all kinds ; floating docks and their component parts ;

Waggons, four-wheeled, capable of carrying one ton and over, and their component parts ;

Wax, mineral and vegetable, except Carnauba wax ;

Wire, barbed, and galvanised wire, and implements for fixing and cutting the same (but not including galvanised wire netting) ;

Wire, steel, of all kinds ;

Wood tar, and Wood tar oil ;

Wool, raw (sheeps and lambs') ;

Wool tops ;

Wool noils ;

Wool waste ;

Woollen rags, applicable to other uses than manure, pulled or not ;

Woollen and worsted cloth, suitable for uniform clothing, not including women's dress stuffs or cloth with pattern ;

Woollen and worsted yarns ;

Woollen jerseys, cardigan jackets, woollen gloves, woollen socks, and men's woollen underwear of all kinds.

(C) That the exportation of the following goods be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

 Anchors and chain cables ;

 Armour plates, armour quality castings, and similar protective material ;

 Asbestos ;

 Bags and sacks of all kinds (except bags and sacks made of jute, and paper bags) ;

 Bicycles, and their component parts ;

 Binder twine ;

 Bladders, casings, sausage skins ;

 Camphor ;

 Carnauba wax ;

 Chemicals, drugs, etc.—

 Arsenic and its compounds ;

 Bichromate of soda ;

 Bismuth and its salts (except bismuth nitrate) ;

 Iodine and its preparations and compounds ;

 Nux Vomica and its alkaloids and preparations ;

Tin, compounds of, other than chloride of tin and tin ore ;
 Chronometers and all kinds of nautical instruments ;
 Compasses for ships, and parts thereof, including fittings such as
 binnacles ;
 Cotton, raw ;
 Cotton yarn and thread ;
 Firearms, unrifled, for sporting purposes ;
 Flaxen canvas, namely :—
 Hammock canvas ;
 Kitbag canvas ;
 Merchant Navy canvas ;
 Royal Navy canvas ;
 Tent canvas ;
 Forage and food which may be used for animals, namely :—
 Buck wheat ;
 Cakes and meals, the following, namely :—
 Biscuit meal ;
 Calf meal ;
 Fish meal and concentrated fish ;
 Groundnut or earth-nut cake and meal ;
 Hempseed cake and meal ;
 Husk meal ;
 Locust bean meal ;
 Meat meal ;
 Palmnut cake and meal ;
 Poppyseed cake and meal ;
 Rapeseed or colzaseed cake and meal ;
 Soya bean cake and meal ;
 Sunflower-seed cake and meal ;
 Chick peas, pigeon peas, gram or dhol ;
 Dari ;
 Millet ;
 Molasses for cattle feeding ;
 Grindstones, carborundum wheels and emery wheels ;
 Gums, resins, balsams and resinous substances of all kinds, except such
 as contain caoutchouc ;
 Hair, animal, of all kinds ; and tops, noils and yarns of animal hair ;
 Implements and apparatus designed exclusively for the manufacture of
 munitions of war, for the manufacture or repair of arms or of war
 material for use on land or sea, namely, plant for cordite and
 ammunition factories, viz :—
 Cordite presses ;
 Dies for cartridge cases ;
 Gauges for shells or cartridges ;
 Incorporators ;
 Lapping machines ;
 Rifling machines ;
 Wire-winding machines ;

Intrenching tools and intrenching implements, namely, pick-axes, and grubbers, whether of combination pattern or otherwise; spades and shovels of all descriptions; helves and handles for pickaxes, grubbers, spades and shovels, and machinery for trenching and ditching;

Lacs of all kinds, including shellac, gum lac, seed lac, stick lac, and other forms of lac, but not including lac dye;

Lignum vitæ;

Linen close canvas;

Linen duck cloth;

Machinery, metal-working;

Mahogany;

Mess tins, and water bottles for military use;

Metals and ores, namely:—

 Copper ore;

 Iron ore;

 Iron hæmatite pig;

Monazite sand;

Motor vehicles of all kinds, including motor bicycles and their component parts and accessories;

Packings, engine and boiler (including slagwool);

Provisions and victuals which may be used as food for man, namely:—

 Cassava powder and tapioca;

 Cocoa powder;

 Herrings, cured or salted, in barrels or cases, including dry salted herrings and herrings in brine;

 Mandioca or tapioca flour;

 Onions;

 Potatoes;

 Rice and rice flour;

 Rye, rye flour and meal;

 Sago and sago meal and flour;

 Soups, compressed and dessicated;

 Tinned and potted meats and extract of meat;

Railway material, both fixed and rolling stock;

Rattans;

Seeds, clover and grass;

Shipbuilding materials, namely:—

 Boiler tubes;

 Condenser tubes;

 Iron and steel castings and forgings for hulls and machinery of ships;

 Iron and steel plates and sectional materials for shipbuilding;

 Marine engines and parts thereof;

 Ships' auxiliary machinery;

Sounding machines and gear;

Telegraphs, wireless telegraphs and telephones, materials for;

Terneplates;

Tin plates, including tin boxes and tin canisters for food packing.

(D) That the exportation of the following goods be prohibited to all destinations abroad other than British Possessions and Protectorates and Allied Countries :—

Coal (including anthracite and steam, gas, household and all other kinds of coal) and coke.

Given at OUR Court at Buckingham Palace, this Twenty-eighth day of July, in the year of Our Lord One thousand nine hundred and fifteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. LOW,
Secretary to the Government of India."

*No. 9070.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 13812-IV., dated Simla, the 21st August 1915.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

For prohibiting the importation of unset diamonds into the United Kingdom,

GEORGE, R. I.

WHEREAS by section forty-three of the Customs Consolidation Act, 1876, it is provided that the importation of arms, ammunition, gunpowder or any other goods may be prohibited by Proclamation :

And whereas it is expedient that the importation into the United Kingdom of unset diamonds should be prohibited except as hereinafter provided :

Now, THEREFORE, We, by and with the advice of OUR Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf do hereby proclaim, direct and ordain as follows :—

As from and after the fourth day of August, 1915, subject as hereinafter provided, all unset diamonds shall be prohibited to be imported into the United Kingdom :

Provided always, and it is hereby declared, that nothing in this Proclamation shall apply to unset diamonds imported under the license of one of OUR Principal Secretaries of State and in accordance with the provisions of such license.

This Proclamation may be cited as the Diamonds (Prohibition of Import) Proclamation, 1915.

Given at OUR Court at Buckingham Palace, this Twenty-eighth day of July, in the year of Our Lord One thousand nine hundred and fifteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. LOW,
Secretary to the Government of India."

*Published in Bom. G. G., August 26th, 1915, Part I, p. 2146.

Bombay Castle, 31st August 1915.

*No. 9329.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 14106-W., dated Simla, the 28th August 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 30th day of July 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900 may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 28th day of July 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915 should be amended by making the following amendments in and additions to the same :—

- (1) That the exportation of ‘copper and brass solid drawn tubes,’ which is at present prohibited to all destinations abroad other than British Possessions and Protectorates, should be prohibited to all destinations.
- (2) That the exportation of the following goods should be prohibited to all destinations :—
Diamonds, rough, suitable for industrial purposes.
- (3) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and

*Published in Bom. G. G., Sept. 2nd, 1915, Part I, p. 2194.

†Republished at pages 2138 @ 2146 of the Bom. G. G., Part, I, dated 26th August 1915.

Black Seas, other than France, Russia (except Baltic Ports)
Italy, Spain and Portugal :—

Charcoal and peat.

Forage and food which may be used for animals, namely :—

Green forage ;

Lupin seeds.

Provisions and victuals which may be used as food for man,
namely :—

Bacon, ham and pork ;

Cocoa, raw, of all kinds and all preparations of cocoa, including
cocoa husks, cocoa shells, and chocolate ;

Coffee ;

Vegetables, fresh, except peas.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. LOW,

Secretary to the Government of India."

*No. 9330.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 14105-IV., dated Simla, the 28th August 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 3rd day of August 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

*Published in Bom. G. G., Sept. 2nd, 1914, Part I, p. 2195.

And whereas by a Proclamation, dated the 28th day of July 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by an Order of Council, dated the 30th day of July 1915,† the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation dated the 28th day of July 1915, as amended and added to by the Order of Council, dated the 30th day of July 1915, should be further amended by making the following amendment in the same :—

That on and after the 13th day of August 1915, the exportation of 'Coal (including anthracite and steam, gas, household and all other kinds of coal) and coke,' which is at present permitted to British Possessions and Protectorates and Allied Countries, should be prohibited to all destinations abroad other than British Possessions and Protectorates.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved :

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. LOW,

Secretary to the Government of India."

‡ No. 9840.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 14574-W., dated Simla, the 11th September 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 12th day of August 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879 as amended

*Republished at pages 2138 @ 2146 of the Bom. G. G., Part I., dated 26th August 1915.

†Vide Government Notification No. 9329, dated 31st August 1915.

‡Published in Bom. G. G., Sept. 16th, 1915, Part I, p. 2303.

by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

AND WHEREAS it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

AND WHEREAS by a Proclamation, dated the 28th day of July 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

AND WHEREAS by Orders of Council, dated respectively the 30th day of July 1915 and the 3rd day of August 1915,† the said Proclamation was amended and added to in certain particulars :

AND WHEREAS there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915 as amended and added to by the Orders of Council, dated respectively the 30th day of July 1915 and the 3rd day of August 1915, should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading 'Hosiery Needles' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and that the exportation of 'Hosiery Needles' should be prohibited to all destinations abroad other than British Possessions and Protectorates.
- (2) That the heading 'Mercury' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and that the exportation of 'Mercury' should be prohibited to all destinations.
- (3) That the heading 'Mercury, salts and preparations of (other than nitrate of mercury)' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'Mercury, compounds and preparations of (other than nitrate of mercury).'
- (4) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

Caustic Soda ;

*Republished at pages 2138 @ 2146 of the Bom. G. G., Part I, dated 26th August 1915.

†Republished at pages 2194 @ 2196 of the Bom. G. G., Part I, dated 2nd September 1915.

Sodium.

- (5) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic Ports), Italy, Spain and Portugal :—

Acetic Acid :

Antimony, compounds of, except sulphides and oxides of antimony (the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates) ;

Copper, compounds of, except copper nitrate (the exportation of which is prohibited to all destinations), and copper iodide, copper sulphate, and sub-oxide of copper (the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates) ;

Sodium cyanide ;

Sodium sulphide.

*Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

WHEREOF the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,
Secretary to the Government of India."

Bombay Castle, 17th August 1915.

*No. 8811.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 13461-W., dated Simla, 14th August, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Monazite sand from British India to all ports in Europe and on the Mediterranean and Black Seas, other than those of the United Kingdom, France, Russia (except the Baltic ports), Spain and Portugal.

Provided that nothing in this notification shall apply to goods shipped by, or for the use of, the Crown.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 8812.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 13467-W., dated Simla, 14th August, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the bringing, by sea or by land, into British India of all goods, wares, or merchandise from the United Kingdom which had previously been imported into the country from Norway, Sweden, Denmark, Holland, Switzerland and Italy unless copies of the 'Specification for Foreign and Colonial Merchandise' (Form 30) or the 'Shipping Bill' (Form 64), as the case may be, in the forms prescribed by the Board of Trade and reproduced in the annexed Schedule, duly certified by the Customs Authorities in the United Kingdom, are presented to the Customs Collector at the port of import in respect of such goods, wares or merchandise :

Provided that nothing in this notification shall apply to :—

- (a) Goods imported under a general or special license granted by the Governor General in pursuance of the Trading with the Enemy Proclamation, No. 2* as amended by the Proclamation of 8th October, 1914.†
- (b) Goods shipped for India before the 7th July, 1915 ;
- (c) The *bona fide* personal and household effects of persons entering the country ;
- (d) Goods imported from an allied country by way of a neutral country on a through bill of lading or by through postal parcel, or in respect of goods of enemy origin imported under license ; and
- (e) Imports of alabaster, carbide of calcium, codliver oil, curbstone, cyanide of calcium, flax, flaxseed, foodstuffs (other than sugar), granite setts for paving, ice, iron ore, marble, pavement slates, paving slates, paving stones, sienna earth, slatestone, strawboards, tar, timber of any kind (including pit props), mechanical wood-pulp (excluding cellulose) ;
- ‡(f) Goods imported through the parcel post from the United Kingdom .

Provided also that the Collector of Customs may, at his discretion, and if he sees no reason for suspecting that the goods have emanated from an enemy territory, allow delivery of any goods, wares or merchandise, exported from the United Kingdom after having been imported into that country from the other European countries specified above, even if unaccompanied by certified copies of the documents above prescribed, and not covered by the first proviso to this notification, on the importer furnishing him with a deposit or bond to the amount of three times the value of the goods to ensure the production of the necessary documents within a prescribed period.

*Republished at pp. 2837-2839 of Bom. G. G. Extraordinary, Part I, dated 20th November, 1914.

†Republished at pp. 2839-2840 of Bom. G. G. Extraordinary, Part I, dated 20th November, 1914.

‡Inserted by Not. No. 212-W, dated 13th November 1915, See Gazette of India, 1915. Part I, p. 2000.

Specification for Foreign and Colonial Merchandise free of Duty, or on which all Duties have been paid. No. 30 (Sale). SCHEDULE.

Port of _____
Ship's Name _____
Date of Final Clearance of Ship _____
Master, for _____

*The Specification of Goods exported must be delivered to the proper Officers within six days from the time of the final clearance of the Ship, as required by the Customs Laws.

H. M. CUSTOMS AND EXCISE.

Marks.	Nos.	Number and Description of Packages.	Description of Foreign and Colonial Merchandise, in accordance with the requirements of the Official Import List.	Country whence goods were consigned when imported.	Net weights of quantities.	Value, [†] (f. o. b.).	Final Destination of the Goods.	Name and address of the Consignee.
Name and Address of consignee { _____ _____ _____								
Total								

[†]The " f. o. b.," or free on board, value should be given.

Name and Address
of consignor

At The "f. o. b." or free on board, value should be given.

I declare that the particulars set forth above are correctly stated,
(Signed) _____

(Signed) _____
Dated _____ 191 .
(Countersigned) _____
Officer of Customs and Excise.

(Address) _____
 †† Adding Exporter or Agent as the case may be.
 Exportation Code, paragraph 360. S. C. 141, 525.

H. M. Customs
and Excise.

*Erase
the words
that do
not apply.

326 No. 64 (Sale).
SHIPPING BILL FOR ^{*DRY}WET GOODS AS
MERCHANDISE.

Under Bond.

Port of Collection _____

Station No. _____

District _____

Station _____

Month and Year _____ 191 .

Export Ship { _____ Master _____ for _____
Entered Outwards _____ Bond given _____
Station _____ Lighterman _____
Conveyance _____ Carman _____

Exporters or Agents.
Address _____

Shipping Marks and Numbers, and Final Destination.	Number of Pack- ages.	Description of Pack- ages.	Description of Goods.	Quantity.				Country whence goods were consigned when imported.	Rate of drawback (if any) claimed.	Value.
				Wet Goods.	Dry Goods.					
					Gallons, etc.	cwts.	qrs.				lbs.
			N.B.—These goods must be produced to the Officer of Customs and Ex- cise at time of Shipment, and any Short-Shipment notified.							
Total										
										Officer.
										Date.

Officer.
Date.

_____ declare that the quantity, description and value of the
* Strike out goods entered in this Shipping Bill are correctly stated *
words in italics further declare that the goods are of British Manufacture, and claim
if not required. Drawback on _____

Exporter or Agent.

Port _____
Date _____ 191 .

Received the above-mentioned pack- { _____ Master, Mate, or
age on board this ship. { _____ authorised person.
_____ { Countersignature of Officer
of Customs and Excise.

Particulars of Exami-
nation and Certificate of
Shipment to be inserted
here.

Export Officer.

N.B.—The Lightermen or Carmen are particularly required to give immediate notice to
the Export Officer if any of the above-mentioned Goods be shut out of the Vessel, and on no
account to take them to any other Ship than the one above-named without his permission.

Exportation Code, paragraph 40 and 134.

Sec. No. 5345
1915

[See Gazette of India, 1915, Part I, page 1052].

Press Communique issued by the Government of India, Department of Commerce and Industry, dated 16th August 1915.

The attention of all manufacturers and traders engaged in the export business is drawn to the following Notice issued by the Board of Trade :—

Warning to Exporters.

The Board of Trade direct the particular attention of all manufacturers and traders concerned in the export trade to the need for scrupulous care in the transaction of their business abroad. The Government's reprisals policy, formally announced by the Order in Council of March 11th, 1915, is directed to suppress all enemy trade, whether import or export. The main difficulty in making this policy thoroughly effective arises from the fact that some traders in some neutral countries are making themselves agents for the supply of goods to enemy countries. British firms engaged in foreign trade, therefore, must have regard to these circumstances and survey with great caution every opening for business which is offered them by neutral importers or exporters.

Especial care should be taken in opening new accounts in neutral countries and in relation to any orders or enquiries of an abnormal character. In any case of doubt as to the *bona fides* of particular consignees, business should be suspended pending reference to the Board of Trade. It is inadvisable that any new accounts should be opened by any British trader in neutral countries, during the war, without the fullest enquiries as to the character of the business proposed to him.

The Board feel sure that they can rely upon the cordial co-operation of all firms engaged in foreign business to secure the successful working of the reprisals policy.

It must be added that the Proclamation relating to trading with the enemy cover indirect trading with the enemy through neutral agents, and that carelessness in transacting neutral business may involve traders in the severe penalties attaching to trading with the enemy.

Bombay Castle, 21st September, 1915.

*No. 10021.—The following Notification by the Government of India, Department of Commerce and Industry, is republished :—

“COMMERCE AND TRADE.

No. 14865-W., dated Simla, 18th September, 1915.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Adding to the List of Articles to be treated as Contraband of War
GEORGE, R. I.

WHEREAS on the 23rd day of December 1914, We did issue OUR Royal Proclamation specifying the Articles which it was OUR intention to treat as

*Published in the Bom. G. G., 23rd September, 1915, Part I, p. 2324.

contraband during the continuance of hostilities or until WE did give further notice ; and

Whereas on the 11th day of March, and on the 27th day of May, 1915, WE did, by OUR Royal Proclamations of those dates, make certain additions to the list of articles to be treated as contraband of war ; and

Whereas it is expedient to make certain further additions to the said lists :

Now, therefore, WE do hereby declare by and with the advice of OUR Privy Council, that during the continuance of the war or until WE do give further public notice, the following articles will be treated as absolute contraband in addition to those set out in OUR Royal Proclamations aforementioned :—

Raw cotton, cotton linters, cotton waste, and cotton yarns.

And WE do hereby further declare that this OUR Royal Proclamation shall take effect from the date of its publication in the London Gazette.

Given at OUR Court at the Royal Pavilion, Aldershot Camp, this 20th day of August, in the year of Our Lord one thousand nine hundred and fifteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,

Secretary to the Government of India."

NOTIFICATION OF THE 21st AUGUST 1915, RESPECTING
CERTIFICATES OF ORIGIN FOR FOREIGN GOODS
IMPORTED INTO RUSSIA.

No. 13755-W., dated the 21st August, 1915.—The following regulations Department of Commerce and Industry, respecting certificates of origin for foreign goods imported into Russia are published for general information :—

REGULATIONS CONCERNING PROOF OF ORIGIN OF FOREIGN GOODS.

I. The following will be accepted as proof of the origin of goods subject to Customs duty at the rates of the " Conventional," or, as the case may be, " General " Tariff for European trade :—

1. Certificates of origin, issued by : (a) Russian diplomatic and consular officers, with the official seal affixed ; (b) Chambers of Commerce, Municipal or Police Authorities, with the official seal affixed ; (c) Customs houses discharging the goods from the country whose products are assessed in Russia at " Conventional " rates, or, as the case may be, " General " rates of the Tariff.
2. Accounts, invoices, or letters of manufacturers, wholesale s merchants, commission officer and traders.

II. The documents enumerated in point 1 (letters *b* and *c*) and point 2 of section I will be recognised as sufficient proof of origin only when the said documents have been attested by Russian diplomatic* or consular officers, if there be such in the country of origin. Not only the signatures in the documents must be so attested, but also the accuracy of the statements regarding the origin of the goods indicated. In the case of accounts, invoices, and letters of foreign manufacturers, etc., (point 2 of section I), the above officials must also certify that the persons submitting these documents do in fact possess the commercial or industrial undertakings in the name of which the documents are submitted.

III. Should (Russian) Customs establishments experience any difficulties in interpreting the foreign text of documents presented, the owner of the goods must, on demand, submit a translation in Russian, certifying the correctness of the same with his signature.

IV. The documents referred to in section I will be accepted only if issued by persons residing, or institutions established in the country of origin of the goods, and not in countries through which they are being conveyed in transit.

V. These documents must contain information as to the quantity of packages, their marks and numbers, gross and net weight, and a description of the goods by their technical or trade name, the following exceptions being admitted :—

- (a) In proof of origin of articles assessed in the Tariff not by weight but by piece, documents will be accepted without indication of the net and gross weight.
- (b) In documents concerning vessels (ships), the dimensions may be indicated by gross capacity in tons.
- (c) The net weight need not be given in the case of the following ; all goods assessed in the Tariff by gross weight, and all goods allowed a deduction for tare if imported in packing specifically named in the Tare Table sanctioned by the Minister of Finance.
- (d) Slight disparities in the marks and numbers of goods' packages, as compared with the entries in the documents, need not disqualify the documents if the Customs authorities have no doubt that the documents refer to the goods imported.

VI. It is sufficient to present one of the documents indicated in section I if the goods come to Russia direct from the country of origin.

VII. By direct importation of goods from the country of origin is to be understood :—

- (a) the carriage of goods from a port of the country of origin to a Russian port without transhipment and without discharge at a port of a third country ;

*In countries where there are no Russian diplomatic or consular representatives, the documents may be attested by English, French, or Belgian diplomatic or consular officials, according to a list sanctioned by the Minister for Foreign Affairs.

- (b) the carriage of goods by rail or by a mixed route, by rail and by steamer, with through waybills or bills of lading, if the place of despatch indicated in these documents is situated within the boundaries of the country of origin, and the place of destination is any interior or frontier point of Russia, even if the goods have to be conveyed *via* other countries to the products of which favourable tariff rates are applied.

VIII. The conveyance of goods through German, Austro-Hungarian or Turkish territories, as also the transshipment or discharge of goods at ports of these countries, shall deprive the goods of any right to favourable tariff rates.

IX. On the delivery of goods imported indirectly from the country of origin, the following will be required :—

- (1) for goods coming from Customs warehouses, in addition to one of the documents indicated in section I, a certificate of a Custom house of the country from which the goods are imported into Russia to the effect that the packages indicated in the said documents were not released from the warehouses of that Custom house, and indicating by what waybills or bills of lading they were despatched directly to Russia. This certificate must be attested by Russian diplomatic or consular officials, and,
- (2) for goods acquired in a foreign interior market, a certificate of origin from Russian diplomatic or consular officials, indicating that the goods, on delivery into that country, did not pass in transit through German, Austro-Hungarian or Turkish territory, and were not transhipped or discharged at ports of those countries.

X. Goods specified in the appended list, on direct import into Russia from the country of origin, do not require certificates of origin. If these goods are imported indirectly from the country of origin, they require a certificate of the Custom house* of the country from which they were despatched direct to Russia, this certificate indicating the country of origin, the point whence the goods were received at the place where the Custom house issuing the certificate is situated, and the routes by which the goods were proceeding to Russia. This certificate must be attested by a Russian diplomatic or consular officer.

XI. Asiatic goods, imported by Persian, Afghan, Mongolian and overland Chinese frontiers, do not require certificates of origin.

XII. In goods' declarations, when the amount of the duty depends on the country of origin, the owner must indicate the country of origin otherwise the declaration will be returned for the insertion of this information.

XIII. Documents showing the origin or place of despatch of goods (sections I to X) may be presented at Custom houses at the time of import of the goods together with the lading documents, or on delivery of the declaration, or afterwards with a separate statement handed in previous to

*At the desire of the owners of the goods, instead of the Customs certificate mentioned in this section, documents mentioned in sections I and IX may be presented.

the discharge of the goods from the Custom house, but in any case, not later than six months from the date of arrival of the goods at the Custom house.

XIV. On inspection of the goods, the Customs authorities must see that the proofs of origin presented correspond with the goods, and in cases of reasonable doubt, must verify the proofs, apart from the documents referred to above and make an expert examination of the goods.

XV. If the number of packages of goods presented for inspection should be found to be less than that entered in the documents of origin, this circumstance alone should not be a reason for refusing to recognise the goods as subject to assessment under the "Conventional" or, as the case may be, "General" Tariff, and the documents of origin must not be returned to the owner of the goods. If the latter declares that the missing packages will be delivered later, the Custom house must, on his written request, deliver to him a copy of these documents, with a note on the same explaining the circumstances.

XVI. The documents indicated in sections I to X of these regulations, delivered at Custom houses with postal declarations, will be recognised as proof of origin of goods imported in postal parcels. For goods, received in parcels, delivered to addressees direct from Custom houses (section 617 of the Customs Code, 1912, Supplement), proof of origin may also be presented by the receivers on the same basis as is established for the presentation of proof of origin of goods inspected according to declaration.

XVII. For goods inspected without inspection documents in the cases provided for in sections 197, 198, 257, 391, 399 and 417 of the Customs Code, proof of origin will be accepted on the same basis as is established for goods inspected according to declarations.

XVIII. Documents of origin, as also other documents, after payment of Customs duties on the goods, shall be sent to the competent Control Chambers with the inspection documents.

XIX. In the absence of proofs of origin, or non-compliance of the same with these regulations, the goods will be assessed for duty according to the rates established for goods of German, Austrian, and Turkish origin.

XX. Exemptions from the stipulations of these regulations may be made in exceptional cases on the special authorisation, in each separate case, of the Minister of Finance.

APPENDIX TO SECTION X.

List of Foreign Goods for which, on direct importation from the Country of Origin, Certificates of Origin are not required.

Tariff No.	Articles.
2 (2)	Rice, unhusked.
15 (1), (2), and (3)	Pepper, unground, ginger, cloves, and other exotic spices.
18 (1) and (2)	Coffee.
19 (1) and (2)	Cocoa.
20 (1)	Tea.

Tariff No.	Articles.
32 Note 1	Medicinal mineral waters from allied and neutral countries.
41 (1)	Thomas' slag, unground.
58 (2)	Cedar wood.
62 (3)	Copra.
83 (1) and (2)	Asphalt.
85	Liquid products from the distillation of naphtha.
87 (2)	Rubber and gutta-percha, crude.
87 (5a)	Camphor, crude.
91 (1)	Sulphur, unrefined.
103 (1)	Chile, Saltpetre
112 (1)	Iodine.
121 (1), Note	Quebracho wood and mimosa bark.
179 (1) and (2)	Raw cotton and raw jute.

*No. 9071.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 13879-W., dated Simla, the 21st August 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following entry shall be inserted in the Schedule appended to the Notification in the Department of Commerce and Industry No. 25-W., Customs,† dated the 17th October 1914 :—

SCHEDULE.

Column I. Prohibited goods.	Column II. Exceptions.
Dyes and Dyestuffs. Manufactured from coal tar products.

(Signed) C. E. Low,
Secretary to the Government of India.”

‡No. 9331.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 14119-W., dated Simla, the 28th August 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of coffee to all countries in Europe and on the Mediterranean and Black Seas, other than the United Kingdom, France, Italy, Russia (except Baltic Ports), Spain and Portugal :

*Published in Bom. G. G., August, 26th, 1915, Part I, p. 2146.

†Republished at pages 2509-2510 of the Bom. G. G., Part I, dated 22nd October 1914.

‡Published in Bom. G. G., September 2nd, 1915, Part I, p. 2196.

Provided that nothing in this notification shall apply to—

- (i) Goods shipped by, or for the use of, the Crown; and
- (ii) Goods shipped for use during the voyage.

(Signed) C. E. Low,
Secretary to the Government of India."

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 6th September 1915.

*No. 9521.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 14348-W., dated Simla, the 2nd September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Hessian cloth and bags to all countries other than the United Kingdom.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

†No. 9543.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 14381-W., dated Simla, the 4th September 1915.

In supersession of the Notification in the Department of Commerce and Industry No. 10930-W., dated the 10th July 1915, and in exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of hides and skins (raw) to all countries other than the United Kingdom, France, Italy, Russia (except Baltic ports,) and British Possessions.

(Signed) C. E. Low,
Secretary to the Government of India."

‡No. 9841.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

*Published in Bom. G. G. Extraordinary, Sept. 6th, 1915, p. 2207.

†Published in Bom. G. G., Sept. 9th, 1915, Part I, p. 2230.

‡Published in Bom. G. G., Sept. 16th, 1915, Part I, p. 2304.

"CUSTOMS.

No. 14577-W., dated Simla, 11th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following shall be substituted for clause (e) of the first proviso to the Notification in the Department of Commerce and Industry, No. 9175*-W., dated the 19th June 1915, viz :—

- (e) Imports of alabaster, bulbs, carbide of calcium, codliver oil; coral (raw curbstone, cyanide of calcium, flax, flax seed, foodstuffs, (other than sugar), granite, granite setts for paving, ice, iron ore, marble, pavement slates, paving slates, paving stones, quicksilver, sienna-earth, slatestone, straw-board, sulphur, tar, timber of any kind (including pit-props, and wood hoops for making casks), mechanical wood pulp (excluding cellulose).

(Signed) C. E. Low,
Secretary to the Government of India."

¶No. 9838.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 14511-W., dated Simla, the 11th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of the Notifications of the Government of India in this Department, No. 6101-W.,§ dated the 15th May 1915, as subsequently amended, Nos. 7113-W.,† dated the 22nd May 1915, and 10373-W.,‡ dated the 3rd July 1915, the Governor General in Council is pleased to prohibit the export of rice to the following destinations, viz. :—

- (i) Countries in Europe and on the Mediterranean and Black Seas, other than the United Kingdom, France, Italy, Russia (except Baltic Ports), Portugal and Egypt;
(ii) Holland and her Colonies.

Provided that nothing in this Notification shall apply to—

- (i) Goods shipped by, or for the use of, the Crown; and
(ii) Goods shipped for use during voyage.

(Signed) C. E. Low,
Secretary to the Government of India."

*Republished at pages 1633-1634 of the Bom. G. G., Part I, dated 24th June, 1915.

¶Published in Bom. G. G., Sep. 16th, 1915, Part I, p. 2302.

§Republished at page 1357 of the Bom. G. G., Part I, dated 20th May 1915.

†Republished at page 1442 of the Bom. G. G., Part I, dated 27th May 1915.

‡Republished at page 1748 of the Bom. G. G., Part I, dated 8th July 1915.

*No. 9839.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 14513-W., dated Simla, the 11th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the notifications in the Department of Commerce and Industry referred to below :—

- (i) *For the words ‘ ports in Europe ’ read ‘ countries in Europe ’* in Notifications Nos. 187-W.,** dated the 24th October 1914, 2561-W.,† dated the 13th March 1915, 7051-W.,‡ dated the 22nd May 1915, 7052-W.,§ dated the 22nd May 1915, 11626-W.,|| dated the 17th July 1915, 12174-W., ¶ dated the 24th July 1915, and 13461-W.,†† dated the 14th August 1915, and
- (ii) *Delete the words ‘ those of ’ between the words ‘ than ’ and ‘ the United Kingdom ’ in the above Notifications.*

(Signed) C. E. Low,

Secretary to the Government of India.”

††No. 10853.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 15677-W., dated Simla, the 9th October, 1915.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

RELATING TO TRADING WITH THE ENEMY.

GEORGE, R. I.

WHEREAS doubts have arisen as respects the position under the Proclamations for the time being in force relating to Trading with the Enemy, of incorporated companies or bodies of persons which, though not incorporated in any enemy country or in territory in hostile occupation, carry on business in any such country or territory :

*Published in Bom. G. G., Sept. 16th, 1915, Part I, p. 2303.

**Republished at page 2559 of the Bom. G. G., Part I, dated 29th October 1914.

†Republished at page 851 of the Bom. G. G., Part I, dated 18th March 1915.

‡Republished at page 1440 of the Bom. G. G., Part I, dated 27th May 1915.

§Republished at page 1441 of the Bom. G. G., Part I, dated 27th May 1915.

||Republished at page 1910 of the Bom. G. G., Part I, dated 22nd July 1915.

¶Republished at page 1956 of the Bom. G. G., Part I, dated 29th July 1915.

††Republished at page 2067 of the Bom. G. G., Part I, dated 19th August 1915.

†††Published in Bom. G. G., 14th Oct. 1915, Part I, p. 2468.

And whereas it is expedient that the position of those companies or bodies for the purposes of those Proclamations should be defined :—

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring, and it is hereby declared, as follows :—

For the purposes of the Proclamations for the time being in force relating to Trading with the Enemy, the expression ‘enemy,’ notwithstanding anything in the said Proclamations, is hereby declared to include, and to have included, any incorporated company or, body of persons (wherever incorporated) carrying on business in an enemy country or in any territory for the time being in hostile occupation.

Given at OUR Court at Buckingham Palace, this 14th day of September, in the year of Our Lord One thousand nine hundred and fifteen, and in the sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,

Secretary to the Government of India.

Bombay Castle, 16th October 1915.

*No. 11132.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 15930-W., dated Simla, the 16th October 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 16th day of September 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade,

*Published in Bom. G.G., Oct. 21st, 1915, Part 1, p. 2590.

And whereas by a Proclamation, dated the 28th day of July 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by Orders of Council, dated respectively the 30th day of July 1915,† the 3rd day of August 1915,‡ and the 12th day of August 1915,‡ the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

The the Proclamation, dated the 28th day of July 1915, as amended and added to by the Orders of Council, dated respectively the 30th day of July 1915, the 3rd day of August 1915, and the 12th day of August 1915, should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading ' Animals, pack, saddle and draught, suitable for use in war ' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading ' Animals, pack, saddle and draught, suitable or which may become suitable for use in war.'
- (2) That the heading ' Diamonds, rough, suitable for industrial purposes ' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading ' Diamonds, rough, suitable for industrial purposes including Brazilian carbon.'
- (3) That the exportation of the following goods should be prohibited to all destinations :—
Iron ore, Cumberland hæmatite.
- (4) That the exportation of the following goods, which is at present prohibited to all destinations, should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

Beans, including haricot beans, Burma and Rangoon beans ;
Compound cakes and meal ;
Cottonseed cake, decorticated and undecorticated, and
cottonseed meal ;
Lentils ;
Linseed cake and meal ;
Maize ;

*Republished at pages 2138 @ 2146 of the Bom. G. G., Part I, dated 26th August 1915.

†Republished at pages 2194 @ 2196 of the Bom. G. G., Part I, dated 2nd September 1915.

‡Republished at pages 2303 and 2304 of the Bom. G. G., Part I, dated 16th September 1915.

- Malt dust, malt flour, culms, sprouts or combings ;
 Patent and proprietary cattle foods of all kinds ;
 Rice meal (or bran) and dust.
- (5) That the heading ' Bone ash ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading ' Bones for manure, dissolved bones, bone flour, bone meal and bone ash.'
- (6) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—
 Chlorides of sulphur ;
 Fustic (chips and extract) and logwood (chips and extract, including hæmatine crystals and other logwood preparations) ;
 Whale meal.
- (7) That the exportation of the following goods, which is at present prohibited to all destinations, should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—
 Brewers' and distillers' grains ;
 Brewers' dried yeast ;
 Cocoanut and poonac cake ;
 Gluten meal or gluten feed ;
 Maize meal and flour ;
 Mill dust and screenings of all kinds.
- (8) That the heading ' Maize germ meal ' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be inserted in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, the heading ' Maize germs and maize germ meal.'
- (9) That the exportation of salts of aluminium (other than alunite and nitrate of aluminium), which is at present prohibited to all destinations abroad other than British Possessions and Protectorates, should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal.
- (10) That the heading, ' Molasses for cattle feeding ' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted.
- (11) That the heading ' Iron ore ' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia

(except through Baltic ports), Italy, Spain and Portugal, should be deleted and there be substituted therefor the heading :—

“ Iron ore, (except Cumberland hæmatite iron ore, the exportation of which is prohibited to all destinations.)’

- (12) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

Calcium sulphide ;

China clay (including China stone and potters’ clay) ;

Gas carbon ;

Kapok hempen fibre ;

Provisions and victuals which may be used as food for man, namely :—

Bean flour and meal ;

Biscuits, bread and cakes, all kinds of ;

Corn flour ;

Corn grits ;

Hominy ;

Lentil flour and meal ;

Macaroni, spaghetti and vermicelli ;

Meat of all kinds (except poultry and game), not including beef and mutton, fresh or refrigerated (the exportation of which is already prohibited to all destinations); Pea flour and meal ;

Prepared foods wholly or partially derived from cereals ;

Semolina.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty’s Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India.”

*No. 10022.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 14874-W., dated Simla, 18th September, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, and in supersession of the Notification of the Government of India in this Department

* Published in Bom. G. G., 23rd Sept. 1915, Part I, p. 2324.

No. 13461-W.,* dated the 14th August, 1915, the Governor General in Council is pleased to prohibit the export of monazite sand from British India except to the United Kingdom.

Provided that nothing in this Notification shall apply to goods shipped by or for the use of the Crown or to any Indian Port.

(Signed) C. E. Low,
Secretary to the Government of India."

‡No. 10328.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" SALT.

No. 14953-56, dated Simla, the 20th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the taking of saltpetre by sea or by land out of British India to countries other than the United Kingdom.

(Signed) C. E. Low,
Secretary to the Government of India."

NOTIFICATION OF

GOVERNMENT OF INDIA OF 20TH SEPTEMBER 1915.

‡No. 10329.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 14956-56, dated Simla, the 20th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following shall be substituted for the first item in the schedule appended to the Notification in this Department, No. 25-W.,§ dated the 17th October 1914, namely :—

Column I. Prohibited goods.	Column II, Exceptions.
Ammunition and Explosives and the materials used in their manufacture, other than saltpetre.	

(Signed) C. E. Low,
Secretary to the Government of India."

*Republished at page 2067 of the Bom. G. G., Part I, dated 19th August, 1915.

†Published in Bom. G. G., Sept. 20th, 1915, Part I, p. 2375.

‡Published in Bom. G. G., Sept. 20th, 1915, Part I, p. 2376.

§Republished in Bom. G. G., Oct. 22nd, 1914, Part I, p. 2509.

NOTIFICATION OF

GOVERNMENT OF INDIA OF 25TH SEPTEMBER. 1915.

*No. 10330.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 15127-W., dated Simla, the 25th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of coal (other than Welsh coal) and coke from British India except to the United Kingdom, British Possessions and Protectorates, with effect from the 1st October 1915.

Provided that nothing in this notification shall apply to goods shipped by, or for the use of the Crown, or to an Indian port, or for use or consumption during voyage.

(Signed) C. E. Low,
Secretary to the Government of India.”

NOTIFICATION OF

GOVERNMENT OF INDIA OF 25TH SEPTEMBER 1915.

†No. 10331.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 15040-W., dated Simla, the 25th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878,) as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of hemp and flax to all countries other than the United Kingdom and British Possessions.

(Signed) C. E. Low,
Secretary to the Government of India.”

NOTIFICATION

REVENUE DEPARTMENT.

Bombay Castle, 28th September 1915.

‡No. 10346.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 15151-W., dated Simla, the 25th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession

*Published in Bom. G. G., Sept. 30th, 1915, Part I, p. 2376.

†Published in Bom. G. G., Sept. 20th, 1915, Part I, p. 2376.

‡Published in Bom. G. G. Extraordinary, Sept. 28th, 1915, Part I, p. 2359.

of this Department's Notification No. 10847-IV,* dated the 10th July 1915, the Governor General in Council is pleased to prohibit the export of mica from British India to all countries except the United Kingdom.

Provided that nothing in this notification shall apply to goods shipped by or for the use of the Crown or to any Indian port.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

NOTIFICATION

REVENUE DEPARTMENT.

Bombay Castle, 1st October 1915.

‡No. 10439.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 15180-IV., dated Simla, the 27th September 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of the Notifications in this Department No. 187-IV,** dated the 24th October 1914, and No. 14348-IV.,† dated the 2nd September 1915, the Governor General in Council is pleased to prohibit the export of all jute goods to all countries other than the United Kingdom.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

Bombay Castle, 5th October 1915.

§No. 10568.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 15334-W., dated Simla, the 2nd October 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following addition shall be

*Republished at page 1794 of the Bom. G. G., Part I, dated 15th July 1915.

‡Published in Bom. G. G. Extraordinary, Oct. 1st, 1915, Part I, p. 2395.

**Republished at page 2559 of the Bom. G. G., Part I, dated 29th October 1914.

†Republished at page 2207 of the Bom. G. G. Extraordinary, Part I, dated 6th September 1915.

§Published in Bom. G. G., Oct. 7th, 1915, Part I, p. 2417.

made to the Notification in this Department No. 7050-W,* dated the 22nd May 1915, viz. :

After the words ' British India ' add ' to Siam, China, Persia, Morocco and.'

(Signed) C. E. Low,

Secretary to the Government of India."

†No. 10569.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 15402.-W., dated Simla, the 2nd October 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of all kinds of tanning materials to all countries other than the United Kingdom, France, Russia (except Baltic ports) and British possessions.

(Signed) C. E. Low,

Secretary to the Government of India."

No. 11672.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 16387-W., dated Simla, the 30th October 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 4th day of October 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

*Republished at pages 1439-1440 of the Bom. G. G., Part I, dated 27th May 1915.

†Published in the Bom. G. G., Oct. 7th, 1915, Part I, p. 2480.

And whereas by a Proclamation, dated the 28th day of July 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading ' Antipyrine (phenazone) ' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading ' Antipyrine (phenazone) and its derivatives. '
- (2) That the heading ' Jute piece-goods, and bags and sacks made of jute ' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading ' Jute piece-goods, jute webbing, and bags and sacks made of jute. '
- (3) That the heading ' Mica (including mica splittings) and micanite ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading ' Mica (including mica splittings and mica chimneys) and micanite. '
- (4) That the heading ' Milk, condensed, sweetened or not ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading ' Milk, condensed or preserved, whether sweetened or not. '
- (5) That the heading ' Coal (including anthracite and steam, gas, household and all other kinds of coal) and coke ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading ' Coal, all kinds, and coke, but not including coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal. '
- (6) That the exportation of ' Magnesite and magnesite bricks ' should be prohibited to all destinations.
- (7) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

†Republished at pages 2138 @ 2146 of the Bom. G. G., Part I, dated 26th August 1915.

Chromium, compounds of, except chromium acetate, chromium chlorate, and chromium nitrate (the exportation of which is already prohibited to all destinations) and bichromate of soda (the exportation of which is and remains only prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal);

Oil fuel, but not including any such fuel allowed by the Commissioners of Customs and Excise to be shipped for use on board the exporting ship.

- (8) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

Chemicals, drugs, etc :—

Formic acid ;

Sodium carbonate (including soda ash, soda crystals and bicarbonate of soda) ; Pepper ;

Ply wood of all kinds, except ash three-ply wood (the exportation of which is already prohibited to all destinations).

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India,"

*No. 11811.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 38-W., dated Delhi, the 6th November 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL.

The 13th day of October 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

*Published in Bom. G. G.. Nov. 11th, 1915, Part I, p. 2759.

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 28th day of July 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July, 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading ' Blankets, coloured, exceeding 3½ lbs. in weight, containing wool ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be inserted in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, the heading ' Blankets of all descriptions.'
- (2) That the exportation of ' Cotton fabric, suitable for aircraft,' which is at present prohibited to all destinations, should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy Spain and Portugal.
- (3) That the heading ' Harness and Saddlery which can be used for military purposes, including metal fittings for such harness or saddlery' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading ' Harness and Saddlery, including metal fittings for such harness or saddlery.'
- (4) That the heading ' Leather, undressed, or dressed, suitable for saddlery, harness, military boots or military clothing' in the list of goods the exportation of which is prohibited to all destinations should be deleted, that there be substituted therefor the heading ' Leather, undressed or dressed, suitable for saddlery, harness, or military boots,' and that there be inserted in the list of goods the exportation of which is prohibited to all destinations abroad

*Republished at pages 2138 @ 2146 of the Bom. G. G., Part I, dated 26th August 1915.

- other than British Possessions and Protectorates the heading 'Leather, undressed or dressed, suitable for military clothing.'
- (5) That the headings 'Goatskins, dressed and undressed,' 'Sheepskins, tanned,' and 'Sheepskins, whether woolled or not' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the headings 'Sheepskins, woolled' and 'Skins of sheep and goats, undressed or dressed, other than those the exportation of which is specifically prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal.'
- (6) That the headings 'Deerskins, dressed and undressed' and 'Pigskins, dressed or undressed' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be inserted in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, the heading 'Deerskins and pigskins, undressed or dressed.'
- (7) That the heading 'Salts of aluminium (other than alunite and nitrate of aluminium)' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and there be substituted therefor the heading 'Salts of aluminium (other than alunite, ammonium alum and nitrate of aluminium, the exportation of which is already prohibited to all destinations abroad other than British Possessions and Protectorates).'
- (8) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—
- Leather belting, hydraulic leather, pump leather, and picking bands ;
 - Stearine pitch and other pitches derived from fatty oils and acids.
- (9) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—
- Bookbinding leathers ;
 - Borax, boric acid, and other boron compounds ;
 - Chamois, glace kid, morocco, persians, roans, and seal-leather ;
 - Cocoonut, desiccated ;
 - Leather suitable for textile machinery, except picking bands.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

**No. 11812.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 39-W., dated Delhi, the 6th November 1915.

In supersession of the Notifications in this Department Nos, 708-W.,* 3734-W.,† 9847-W.,‡ and 14865-W.,§ dated the 23rd January, 10th April, 26th June and 18th September 1915, respectively, the following Royal Proclamation is published for general information:—

BY THE KING.

A PROCLAMATION.

Revising the List of Articles to be treated as Contraband of War.

GEORGE, R. I.

WHEREAS on the 23rd day of December 1914, WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as contraband during the continuance of hostilities or until WE did give further public notice; and

Whereas on the 11th day of March, and on the 27th day of May, and on the 20th day of August 1915, WE did, by OUR Royal Proclamations of those dates, make certain additions to the lists of articles to be treated as contraband of war; and

Whereas it is expedient to make certain further additions to and amendments in the said lists;

NOW, THEREFORE, WE do hereby declare, by and with the advice of OUR Privy Council, that the lists of contraband contained in the Schedules to OUR Royal Proclamation of the 23rd day of December, as subsequently amended by OUR Proclamations of the 11th day of March, and of the 27th day of May, and of the 20th day of August aforementioned, are hereby withdrawn, and that in lieu thereof, during the continuance of the war, or until WE do give further public notice, the articles enumerated in Schedule I,

**Published in Bom. G. G., Nov. 11th, 1915, Part I, p. 2761.

*Republished at pages 288-289 of the Bom. G. G., Part I, dated 28th January, 1915.

†Republished at page 1091 of the Bom. G. G., Part I, dated 15th April 1915.

‡Republished at page 1669 of the Bom. G. G., Part I, dated 1st July 1915.

§Republished at page 2324 of the Bom. G. G., Part I, dated 23rd September 1915.

hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their component parts.

2. Implements and apparatus designed exclusively for the manufacture of munitions of war, or for the manufacture or repair of arms or of war material for use on land or sea.

3. Lathes and other machines or machine tools capable of being employed in the manufacture of munitions of war.

4. Emery, corundum, natural and artificial (alundum), and carborundum, in all forms.

5. Projectiles, charges, and cartridges of all kinds, and their component parts.

6. Paraffin wax.

7. Powder and explosives specially prepared for use in war.

8. Materials used in the manufacture of explosives including :—Nitric acid and nitrates of all kinds ; sulphuric acid ; fuming sulphuric acid (oleum) ; acetic acid and acetates ; barium chlorate and perchlorate ; calcium acetate, nitrate and carbide ; potassium salts and caustic potash ; ammonium salts and ammonia liquor ; caustic soda, sodium chlorate and perchlorate ; mercury ; benzol, toluol, xylol, solvent naphtha, phenol (carbolic acid), cresol, naphthalene, and their mixtures and derivatives ; aniline and its derivatives ; glycerine ; acetone ; acetic ether ; ethyl alcohol ; methyl alcohol ; ether ; sulphur ; urea ; cyanamide ; celluloid.

9. Manganese dioxide ; hydrochloric acid ; bromine ; phosphorus ; carbon disulphide ; arsenic and its compounds ; chlorine ; phosgene (carbonyl chloride) ; sulphur dioxide ; prussiate of soda ; sodium cyanide ; iodine and its compounds.

10. Capsicum and peppers.

11. Gun mountings, limber-boxes, limbers, military waggons, field forges, and their component parts ; articles of camp equipment and their component parts.

12. Barbed wire, and the implements for fixing and cutting the same.

13. Range-finders and their component parts ; searchlights and their component parts.

14. Clothing and equipment of a distinctively military character.

15. Saddle, draught, and pack animals suitable or which may become suitable, for use in war.

16. All kinds of harness of a distinctively military character.

17. Hides of cattle, buffaloes, and horses ; skins of calves, pigs, sheep, goats and deer ; and leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing ; leather belting, hydraulic leather, and pump leather.

18. Tanning substances of all kinds, including quebracho wood and extracts for use in tanning.

19. Wool, raw, combed or carded ; wool waste ; wool tops and noils ; woollen or worsted yarns ; animal hair of all kinds, and tops, noils and yarns of animal hair.

20. Raw cotton, linters, cotton waste, cotton yarns, cotton piece-goods, and other cotton products capable of being used in the manufacture of explosives.

21. Flax ; hemp ; ramie ; kapok.

22. Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.

23. Submarine sound-signalling apparatus.

24. Armour plates.

25. Aircraft of all kinds, including aeroplanes, airships, balloons and their component parts together with accessories and articles suitable for use in connection with aircraft.

26. Motor vehicles of all kinds and their component parts.

27. Tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres.

28. Mineral oils, including benzine and motor spirit.

29. Resinous products, camphor and turpentine (oil and spirit) ; wood tar and wood-tar oil.

30. Rubber (including raw, waste, and reclaimed rubber, solutions and jellies containing rubber, or any other preparations containing rubber, balata, and guttapercha, and the following varieties of rubber, viz. :—Borneo, Guayule, Jelutong, Palembang, Pontianac, and all other substances containing caoutchouc), and goods made wholly or partly of rubber.

31. Rattans.

32. Lubricants.

33. The following metals :—Tungsten, molybdenum, vanadium, sodium, nickel, selenium, cobalt, hæmatite pig-iron, manganese, electrolytic iron, and steel containing tungsten or molybdenum.

34. Asbestos.

35. Aluminium, alumina, and salts of aluminium.

36. Antimony, together with the sulphides and oxides of antimony.

37. Copper, unwrought and part wrought ; copper wire ; alloys and compounds of copper.

38. Lead, pig, sheet, or pipe.

39. Tin, chloride of tin, and tin ore.

40. Ferro alloys, including ferro-tungsten, ferro-molybdenum, ferro-manganese, ferro-vanadium and ferro-chrome.

41. The following ores :—Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hæmatite iron ore, iron pyrites, copper pyrites and other copper ores, zinc ore, lead ore, arsenical ore, and bauxite.

42. Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of 4 miles to 1 inch or any larger scale, and reproductions on any scale, by photography or otherwise, of such maps or plans.

SCHEDULE II.

1. Foodstuffs
2. Forage and feeding-stuffs for animals.
3. Oleaginous seeds, nuts and kernels.
4. Animal, fish, and vegetable oils and fats, other than those capable of use as lubricants, and not including essential oils.
5. Fuel, other than mineral oils.
6. Powder and explosives not specially prepared for use in war.
7. Horseshoes and shoeing materials.
8. Harness and saddlery.
9. The following articles, if suitable for use in war :—Clothing, fabrics for clothing, skins and furs utilisable for clothing, boots and shoes.
10. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
11. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
12. Vessels, craft, and boats of all kinds; floating docks and their component parts; parts of docks.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
14. Gold and silver in coin or bullion; paper money.

Given at OUR Court at Buckingham Palace, this fourteenth day of October, in the year of Our Lord one thousand nine hundred and fifteen, and in the sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

THE HOSTILE FOREIGNERS' (REPATRIATION) ORDER.

No. 3505, dated the 14th October, 1915.—In pursuance of section 3 (2) (d) of the Foreigners' Ordinance, 1914, (III of 1914), as amended by the Foreigners' (Amendment) Ordinance, 1914, (VII of 1914), and by the Foreigners' (Further Amendment) Ordinance, 1914, (VIII of 1914), as in force in virtue of the Emergency Legislation Continuance Act, 1915 (I of 1915), the Governor General in Council is pleased to make and issue the following order :—

1. This Order may be called the Hostile Foreigners' (Repatriation) Short title. Order.

2. In this Order "repatriated foreigner" means any subject of the German Empire, or of the Dual Monarchy of Austria-Hungary, who is to be repatriated by order of Government. Definition.

3. No repatriated foreigner shall transfer to any person any property, movable or immovable, except in accordance with the terms and conditions of a license issued by the Local Government in such form as it thinks fit.

Prohibition against transfer of property by repatriated foreigners without license.

4. No repatriated foreigner shall take out of British India—

Prohibition against taking out of British India gold or property save as provided.

(1) any gold ;

(2) any property, movable or immovable other than—

(a) personal luggage or effects in such quantity as the Local Government or any officer authorised by the Local Government in this behalf may decide to be reasonable ; and

(b) resources whether in coin or negotiable instruments, or both, not exceeding the value of Rs. 1,500. "

5. A repatriated foreigner shall at the time of embarking from British India, and on being required to do so by an officer appointed in this behalf by the Local Government, make a declaration as to the property in his possession ; and if so required, shall produce to such officer any property or resources in excess of those permitted by clause 4 (2) (b) to be taken ; and such officer may search any such foreigner and any baggage for the purpose of giving effect to this order.

Prevention of the taking out of British India of unauthorised property.

*No. 8301-W.—The following Notification by the Government of India, Foreign and Political Department, is republished :—

" No. 2226-W., dated Delhi, the 19th November, 1915.

The following Royal Proclamation published in the London Gazette, dated the 16th October, 1915, is republished for general information and guidance :—

BY THE KING.

A PROCLAMATION.

Extending to the war with Bulgaria the Proclamations and Orders in Council now in force relating to the war.

GEORGE, R. I.

Whereas owing to the King of the Bulgarians, as Ally of the Central Powers, being now in a state of war with the King of Serbia, Our Ally, a state of war now exists between Us and the King of the Bulgarians :

And whereas on the 4th day of August, 1914, a state of war came into existence between Us and the German Emperor :

And whereas WE did on the same date and on certain other dates subsequent thereto issue certain Proclamations and Orders in Council connected with such state of war :

And whereas on the 12th day of August, 1914, a state of War came into existence between Us and the Emperor of Austria, King of Hungary :

And whereas certain of the Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Emperor of Austria, King of Hungary :

And whereas on the 5th day of November, 1914, a state of war came into existence between Us and the Sultan of Turkey :

And whereas certain of the aforesaid Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Sultan of Turkey :

And whereas WE have since the said 5th day of November, 1914, issued certain other Proclamations and Orders in Council with reference to the state of war between Us and the German Emperor, the Emperor of Austria, King of Hungary, and the Sultan of Turkey :

And whereas it is desirable now to provide for the state of war between Us and the King of the Bulgarians :

And whereas the Convention relating to the Status of enemy merchant vessels at the outbreak of hostilities, signed at the Hague on the 18th day of October, 1907, has not been ratified by the King of the Bulgarians, and therefore WE do not think fit to extend to Bulgarian ships the Order in Council issued on the 4th day of August, 1914, with reference to the departure from OUR ports of enemy vessels, which at outbreak of hostilities were in any such port or which subsequently entered the same :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The Proclamations and Orders in Council issued with reference to the state of war between Us and the German Emperor, or with reference to the state of war between Us and the German Emperor and the Emperor of Austria, King of Hungary, or with reference to the state of war between Us and the German Emperor, the Emperor of Austria, King of Hungary, and the Sultan of Turkey, other than the Order in Council issued on the 4th day of August, 1914, with reference to the departure from OUR ports of enemy vessels, which at the outbreak of hostilities were in any such ports, or which subsequently entered the same, shall, if still in force, apply to the state of war between Us and the King of the Bulgarians as from this 16th day of October, 1915.

2. The Proclamation issued on the 5th day of August, 1914, warning all OUR subjects, and all persons resident, or being in OUR Dominions, from contributing to and participating in, or assisting in the floating of, any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government,

or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this 16th day of October, 1915, to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Bulgarian Government.

3. The words 'enemy country' in any of the Proclamations or Orders in Council referred to in Article 1 of this Proclamation shall include the Dominions of the King of the Bulgarians, and the words 'persons of enemy nationality' in any of the said Proclamations or Orders in Council shall include subjects of the King of the Bulgarians.

Given at Our Court at Buckingham Palace, this 16th day of October, in the year of Our Lord one thousand nine hundred and fifteen, and in the sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) A. H. GRANT,
Secretary to the Government of India."

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 21st October 1915.

*No. 7295-W.—The following Notification by the Government of India, Home Department (Political), is republished with reference to Bombay Government Notification No. 2671-W., dated the 6th November 1914 :—

"No. 3527, dated Simla, the 18th October 1915.

In exercise of the powers conferred by section 25 of the Foreigners Act, 1864 (III of 1864), the Governor General in Council is pleased to direct that the following amendment shall be made in the Home Department (Political) Notification No. 578, dated the 8th August, 1914, as amended by the Home Department (Political) Notification No. 68-C., dated the 4th November 1914, namely :—

In clause (b) for the words 'German or Austrian nationality' shall be substituted the words 'German, Austrian or Bulgarian nationality.'

(Signed) S. R. HIGNELL,
for Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,
Secretary to Government.

†No. 12122.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 205-W., dated Delhi, the 13th November 1915.

The following Order in Council is published for general information :—

*Published in Bom. G. G. Extraordinary, Oct. 21st, 1915, p. 2609.

†Published in Bom. G. G., Nov. 18th, 1915, Part I, p. 2803.

AT THE COUNCIL CHAMBER, WHITEHALL,

The 19th day of October 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 28th day of July 1915,§ and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the headings 'Cotton yarn and thread' and 'Cotton fabric, suitable for aircraft' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and there be substituted therefor the heading 'All manufactures and products of cotton, except cotton lace and cotton waste.'
- (2) That the heading 'Coal, all kinds, and coke, but not including coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading 'Coal, all kinds, and coke made in gas works, but not including coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.'

- (3) That the heading 'Grindstones, carborundum wheels, and emery wheels' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and there be substituted therefor the headings 'Grindstones' and 'Emery, corundum, natural or artificial (such as alundum), carborundum and crystolon, and manufactures thereof (including wheels, discs, paper, cloth, stones, and powder).'
- (4) That the exportation of the following goods, which is at present prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be prohibited to all destinations abroad other than British Possessions and, Protectorates :—
- Chronometers and all kinds of nautical instruments;
Compasses for ships, and parts thereof, including fittings such as binnacles;
Hair, animal, of all kinds, and tops, noils and yarns of animal hair.
- (5) That the exportation of the following goods should be prohibited to all destinations :—
- Acetic ether;
Ether;
Phosgene (carbonyl chloride);
Platinum.
- (6) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—
- Copper wire, insulated, electric light wires, and cables, and power cables.
- (7) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic Ports), Italy, Spain and Portugal :—
- Arsenical ore;
Black plates, and black sheets under one-eighth inch in thickness;
Furs, dressed or undressed, and manufactures thereof;
Ramie.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons, whom it may concern, are to take notice and govern themselves accordingly.

J. C. LEDLIE.

(Signed) C. E. Low,
Secretary to the Government of India."

NOTIFICATIONS.

POLITICAL DEPARTMENT.

Bombay Castle, 13th December 1915.

* No. 8828-W.—With reference to Government Notification No. 3641-W., dated 30th November 1914, the following Notification by the Government of India, Department of Commerce and Industry, is republished :—

“ MERCHANT SHIPPING.

No. 829-W., dated Delhi, the 11th December 1915.

In modification of the Notification in this Department No. 1203-W., dated the 28th November 1914, the following ‘Order in Council’ is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE.

The 20th day of October 1915.

PRESENT.

The King's Most Excellent Majesty in Council.

WHEREAS by the Declaration of London Order in Council No. 2, 1914, His Majesty was pleased to declare that, during the present hostilities, the provisions of the said Declaration of London† should, subject to certain exceptions and modifications therein specified, be adopted and put in force by His Majesty's Government ; and

Whereas, by Article 57 of the said Declaration, it is provided that the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly ; and

Whereas it is no longer expedient to adopt the said Article ;

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that, from and after this date, Article 57 of the Declaration of London shall cease to be adopted and put in force.

In lieu of the said Article, British Prize Courts shall apply the rules and principles formerly observed in such Courts.

This Order may be cited as ‘The Declaration of London Order in Council, 1915.’

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty

*Published in Bom. G. G., Dec. 16th, 1915, Part I, p. 2972.

†See Appendix VI, post.

Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

J. C. LEDLIE.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 11352.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 16159-W., dated Simla, the 23rd October, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the word 'Spain' shall be deleted in the Notification in the Department of Commerce and Industry No. 187-W.,† dated the 24th October, 1914.

(Signed) C. E. Low,

Secretary to the Government of India."

By Order of His Excellency the Right Honourable the Governor in Council,

(Signed) G. S. CURTIS,

Chief Secretary to Government.

‡No. 11671.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"GEOLOGY AND MINERALS.

No. 16393, dated Simla, the 30th October 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased, in modification of Notification No. 8395-W., dated the 12th June 1915, to prohibit the taking out of British India of Tungsten and Wolframite or any other ore of Tungsten unless a permit in this behalf signed by the Chief Customs Officer is produced to the Customs Collector at the port of export in respect of such Tungsten and Wolframite or any other ore of Tungsten and unless such Tungsten and Wolframite or any other ore of Tungsten is shipped in accordance with the terms of such permit.

(Signed) C. E. Low,

Secretary to the Government of India."

*Published in Bom. G. G., 28th October, 1915, Part I, p. 2639.

†Republished at page 2559 of the Bom. G. G., Part I, dated 29th October, 1914.

‡Published in Bom. G. G., Nov. 4th, 1915, Part I, p. 2701.

*No. 11673.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 16411-W., dated Simla, the 30th October 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the importation of unset diamonds into British India from all countries, except the United Kingdom, with effect from the 1st November 1915.

Provided that nothing in this notification shall apply to—

- (i) Diamonds shipped by or for the use of the Crown or from an Indian port ;
- (ii) Diamonds which, in the opinion of the Local Government, are not of enemy origin and which left Holland before the 15th November 1915.

(Signed) C. E. Low,
Secretary to the Government of India.”

†No. 11674.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 16419-W., dated Simla, the 30th October 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Silk Noils to all countries other than the United Kingdom.

(Signed) C. E. Low,
Secretary to the Government of India.”

Bombay Castle, 6th December 1915.

‡No. 13042.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 668-W., dated Delhi, the 4th December 1915.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 3rd day of November 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under

*Published in Bom. G. G., Nov. 4th, 1915, Part I, p. 2703.

†Published in Bom. G. G., Nov. 4th, 1915, Part I, p. 2703.

‡Published in Bom. G. G., Dec. 9th, 1915, Part I, p. 2952.

section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation,* dated the 28th day of July, 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July, 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—
 Cinchona bark, quinine and its salts ;
 Metal cylinders such as are used for containing compressed oxygen or hydrogen.
- (2) That the exportation of ' Aluminium, manufactures of aluminium, and alloys of aluminium,' which is already prohibited to all destinations abroad other than British Possessions and Protectorates, should be prohibited to all destinations.
- (3) That the heading ' Oil, blast furnace (except creosote and creosote oil)' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be inserted in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain, and Portugal, the heading ' Creosote and creosote oils (including blast furnace oil) except wood tar oil (the exportation of which is already prohibited to all destinations abroad other than British Possessions and Protectorates).'

*Republished at pages 2138 @ 2146 of the Bom. G.G., Part I, dated 26th August 1915.

- (4) That the heading 'Woollen and worsted cloth suitable for uniform clothing, not including women's dress stuffs or cloth with pattern' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be inserted in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, the heading 'Cloth of all kinds manufactured of wool or hair (except khaki woollen cloth, the exportation of which is already prohibited to all destinations).'
- (5) That the heading 'Herrings, cured or salted, in barrels or cases, including dry salted herrings and herrings in brine' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted and there be substituted therefor the heading 'Fish of all kinds, whether cured, salted or fresh.'
- (6) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal:—

Arrowroot.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

Bombay Castle, 9th November 1915.

*No. 11810.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 24-W., dated Delhi, the 6th November 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Coir, Rhea and Kapok (including

*Published in Bom. G. G., Nov. 11th, 1915, Part I, p. 2759.

all varieties of tree cotton) and yarn made therefrom, to all countries in Europe and on the Mediterranean and Black Seas, other than the United Kingdom, France, Italy, Russia (except Baltic ports), Spain and Portugal.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 13327.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

- No. 861-W., dated Delhi, the 11th December 1915.

, The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

RELATING TO TRADING WITH PERSONS OF ENEMY NATIONALITY RESIDENT OR CARRYING ON BUSINESS IN LIBERIA OR PORTUGUESE EAST AFRICA.

GEORGE, R. I.

WHEREAS it is expedient that transactions between British subjects and persons of enemy nationality resident or carrying on business in Liberia or Portuguese East Africa should be restricted in manner provided by this Proclamation :

NOW, THEREFORE, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The Proclamations for the time being in force relating to Trading with the Enemy shall, as from the tenth day of December, one thousand nine hundred and fifteen, apply to any person or body of persons of enemy nationality resident or carrying on business in Liberia or Portuguese East Africa in the same manner as they apply to persons or bodies of persons resident or carrying on business in an enemy country.

Provided that where an enemy has a branch locally situated in Liberia or Portuguese East Africa nothing in Article 6 of the Trading with the Enemy Proclamation No. 2† shall be construed so as to prevent transactions by or with that branch being treated as transactions by or with an enemy.

2. Nothing in this Proclamation shall be taken to prohibit anything which may be specially permitted by OUR license or by a license given on OUR behalf by a Secretary of State or the Board of Trade or the Lords Commissioners of OUR Treasury.

3. This Proclamation shall be called the Trading with the Enemy (Liberia and Portuguese East Africa) Proclamation, 1915.

*Published in Bom. G. G., Dec. 16th, 1915, Part I, p. 2991.

†Republished under Government Notification No. 11386, dated 20th November 1914, at pages 2837 @ 2839 of the Bom. G. G. Extraordinary, Part I, of the same date.

Given at OUR Court at Buckingham Palace, this Tenth day of November, in the year of Our Lord one thousand nine hundred and fifteen, and in the Sixth Year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,
G. S. CURTIS,
Chief Secretary to Government.

Bombay Castle, 15th December 1915.

*No. 13384.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" No. 857-W., dated Delhi, the 11th December 1915.

The following Order of His Majesty the King in Council is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE.

The 10th day of November, 1915.

PRESENT :

The King's Most Excellent Majesty in Council.

WHEREAS a state of war exists between His Majesty and the German Emperor, the Emperor of Austria, King of Hungary, the Sultan of Turkey and the King of the Bulgarians :

And whereas His Majesty holds it to be His Prerogative Duty as well as His Prerogative Right to take all steps necessary for the Defence and Protection of the Realm :

And whereas it has been made to appear to His Majesty that it is essential to the Defence and Protection of the Realm that in the exercise of His Prerogatives as aforesaid, He should prohibit as from and after the First day of December 1915, the carrying of cargo from any foreign port to any other foreign port by any British steamship registered in the United Kingdom exceeding 500 tons gross tonnage—and whether or not such ship while carrying such cargo calls at any intermediate port within His Majesty's Dominions—unless the Owner or Charterer of such steamship has been granted exemption by license as hereinafter provided.

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, and in exercise of His Prerogatives as aforesaid and of all other powers Him thereunto enabling, to order and it is hereby ordered that, from and after the First day of December 1915, no British steamship registered in the United Kingdom exceeding 500 tons gross tonnage shall carry any cargo from any foreign port to any other foreign port—and whether or not such ship while carrying such cargo calls at any intermediate port within His

*Published in Bom. G. G., Dec. 16th, 1915, Part I, p. 2990.

Majesty's Dominions—unless the Owner or Charterer of such steamship has been granted exemption by License as hereinafter provided.

And His Majesty doth hereby declare that the expression 'foreign port' herein used shall mean and include any port outside His Majesty's Dominions.

And His Majesty, by and with the advice aforesaid, and in exercise of His Prerogatives and Powers as aforesaid, is further pleased to authorize and direct the President of the Board of Trade to appoint a Committee of persons to carry out and give effect to the provisions hereof, and that the said Committee shall have power to grant Licenses of exemption therefrom to or in favour of Owners and Charterers of such steamships as aforesaid, which Licenses may be general in reference to classes of ships or their voyages or special.

And His Majesty is further pleased to authorize the President of the Board of Trade from time to time to add other persons as members of such Committee, and to substitute as members thereof other persons for such members as may from time to time die, resign, or be or become incapable of acting thereon.

And the President of the Board of Trade is to act and to give instructions and directions accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 12119.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 75-W., dated Delhi, the 13th November 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following addition shall be made to the first proviso to the Notification in the Department of Commerce and Industry, No. 9175-W.,† dated the 19th June 1915, viz.:—

(f) Postal parcels addressed to Government Departments in India.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 12120.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 126-W., dated Delhi, the 13th November 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor

*Published in Bom. G. G., Nov. 18th, 1915, Part I, p. 2802.

†Republished at pages 1633-34 of the Bom. G. G., Part I, dated 24th June 1915.

General in Council is pleased to direct that the following amendment shall be made to clause (e) of the first proviso to the notification in the Department of Commerce and Industry, No. 9175-W.,* dated the 19th June 1915, viz.:—

for the words 'food-stuffs (other than sugar),' substitute the words 'food-stuffs (other than (i) sugar, and (ii) spirits).'

(Signed) C. E. Low,
Secretary to the Government of India.

No. 12121.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 175-W., dated Delhi, the 13th November 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made in the Notification in the Department of Commerce and Industry, No. 10625-W.,† dated the 5th July 1915 :—

(i) *Delete* the full stop, and

(ii) *add* the following :—

‘except—

1. Printed matter of all descriptions.
2. Empty receptacles returned to the Netherlands.
3. Worn clothing and other personal effects.
4. Live animals other than animals ordinarily used for human food.’

(Signed) C. E. Low,
Secretary to the Government of India.

‡No. 12123.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 212-W., dated Delhi, the 13th November, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendments shall be made to the first proviso to the Notification in the Department of Commerce and Industry, No 13467-W.,§ dated the 14th August, 1915, viz. :—

(d) delete the word ‘and’ in the last line ;

*Republished at pages 1633-34 of the Bom. G. G., Part I, dated 24th June, 1915.

†Republished at p. 1767 of the Bom. G. G. Extraordinary, Part I, dated 9th July 1915.

‡Published in the Bom. G. G., 18th November 1915, Part I, p. 2804.

§Republished at pages 2067 to 2069 of the Bom. G. G., Part I, dated 19th August 1915.

- (e) for the full stop in the last line substitute a semi-colon and add the word ' and ' ;
 (f) Goods imported through the parcel post from the United Kingdom.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 12427.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 269-IV., dated Delhi, 20th November, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, and in supersession of this Department Notification No. 15151-IV., † dated the 25th September, 1915, the Governor General in Council is pleased to prohibit the export of mica from British India to all countries except the United Kingdom and British Possessions, with effect from the 19th November, 1915 ;

Provided that nothing in this Notification shall apply to goods shipped by or for the use of the Crown or to any Indian port.

(Signed) C. E. Low,
Secretary to the Government of India."

‡No. 12428.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 286-IV., dated Delhi, the 20th November, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of diamonds from British India to all countries, except the United Kingdom, with effect from the 19th November, 1915 :

Provided that nothing in this Notification shall apply to goods shipped by or for the use of the Crown or to any Indian port.

(Signed) C. E. Low,
Secretary to the Government of India."

§No. 12429.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 312-W., dated Delhi, 20th November, 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, (VIII of 1878), as amended by Act XII of 1914, the Governor

*Published in Bom. G. G., 25th Nov. 1915, Part I, p. 2849.

†Republished at page 2359 of the Bom. G. G. Extraordinary, Part I. dated 28th September, 1915.

‡Published in Bom. G. G., 25th Nov. 1915, Part I, pp. 2849-2850.

§Published in Bom. G. G., 25th Nov. 1915, Part I, p. 2850.

General in Council is pleased to direct that the following addition shall be made to the Notification in the Department of Commerce and Industry No. 24-W,* dated the 6th November, 1915, viz. :—

After the word ' Rhea ' add the words ' Palmyra fibres.'

(Signed) C. E. Low,
Secretary to the Government of India."

¶No. 13794.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" No. 1092-W., dated Delhi, the 25th December 1915.

The following Order in Council is published for general information:—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 24th day of November 1915.

By the Lords of His Majesty's Most Honourable Privy Council,

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 28th day of July 1915,† and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation, dated the 28th day of July 1915,‡ as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

*Republished at page 2759 of the Bom. G. G., Part I, dated 11th November 1915.

†Published in Bom. G. G., Dec. 30th, 1915, Part I, p. 3095.

‡Republished at pages 2138-2146 of the Bom. G. G., Part I, dated 26th August 1915.

- (1) That the exportation of the following goods should be prohibited to all destinations :—
 Cotton wadding ;
 Cotton wool ;
 Iron ore of all descriptions.
- (2) That the exportation of the following goods which is at present prohibited to all destinations should be prohibited only to all destinations abroad other than British Possessions and Protectorates :—
 Grindery, the following articles of, used in the making of boots and shoes :—
 Brass rivets, for use by hand or machine ;
 Cutlan studs, for use by hand or machine ;
 Heel attaching pins, for use by hand or machine ;
 Lasting tacks or rivets, including iron shoe rivets, for use by hand or machine ;
 Steel bills, for use by hand or machine ;
 Heel tips ;
 Heel tip nails ;
 Hobnails of all descriptions ;
 Protector studs ;
 Screwing wire.
- (3) That the heading 'Surgical bandages and dressings (including buttercloth)' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted and there be substituted therefor the heading 'Surgical bandages and dressings (including buttercloth but not including cotton wadding and cotton wool, the exportation of which is prohibited to all destinations).'
- (4) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—
 Railway waggon ;
 Soft soap.
- (5) That the exportation of 'Firearms, unrifled, for sporting purposes' which is at present prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic Ports), Italy, Spain and Portugal, should be prohibited to all destinations abroad other than British Possessions and Protectorates.
- (6) That the heading 'All manufactures and products of cotton, except cotton lace and cotton waste' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should

- be deleted, and there be substituted therefor the heading 'all manufactures and products of cotton except cotton lace, cotton wadding, cotton waste and cotton wool.'
- (7) That the heading 'China clay (including China stone and potters' clay)' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and there be substituted therefor the heading 'China clay (including China stone, ball clay, and potters' clay).'
 - (8) That the exportation of 'Egg, yolk and liquid, and albumen' should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal.
 - (9) That the headings 'Terneplates,' and 'Tinplates, including tin boxes and tin canisters for food packing' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and there be substituted therefor respectively the headings 'Terneplates and all receptacles made from terneplates' and 'Tinplates and all receptacles made from tinplates.'
 - (10) That the heading 'Railway material, both fixed and rolling stock' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and there be substituted therefor the heading 'Railway material, both fixed and rolling stock (except railway waggons the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates).'

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

Bombay Castle, 30th November, 1915.

*No. 12771.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

*Published in Bom. Go. G., 2nd Dec. 1915, Part I, p. 2903.

"COMMERCE AND TRADE.

No. 424-W., dated Delhi, 27th November, 1915.

In pursuance of section 12 of the Enemy Trading Act, 1915, (XIV of 1915), the Governor General in Council is pleased to direct that the provisions of section 4 of the said Act shall apply to any payment, due to persons who have been repatriated, prohibited under the provisions of Notification No. 15956-W.,* dated the 16th October, 1915.

(Signed) C. E. Low,
Secretary to the Government of India."

By Order of His Excellency the Right Honourable the Governor in Council,

(Signed) G. S. CURTIS,
Chief Secretary to Government.

Bombay Castle, 10th January 1916.

†No. 334.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 137-W., dated Delhi, the 8th January 1916.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

For Prohibiting the Importation of Machine Tools into the United Kingdom.

GEORGE, R. I.

WHEREAS by section forty-three of the Customs Consolidation Act, 1876, it is provided that the importation of arms, ammunition, gunpowder or any other goods may be prohibited by Proclamation :

And whereas it is expedient that the importation into the United Kingdom of machine tools and parts thereof, excluding small tools, should be prohibited as hereinafter provided :

Now, Therefore, WE by and with the advice of OUR Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf, do hereby proclaim, direct and ordain as follows :—

As and after the 21st day of December 1915, subject as hereinafter provided, all machine tools and parts thereof, excluding small tools, shall be prohibited to be imported into the United Kingdom.

Provided always, and it is hereby declared, that nothing in this Proclamation shall apply to machine tools and parts thereof, imported under the license of the Board of Trade and subject to the provisions and conditions of such license.

This Proclamation may be cited as the Machine Tools (Prohibition of Import) Proclamation, 1915.

Given at OUR Court at Buckingham Palace, this thirtieth day of

*Republished at page 2594 of the Bom. G. G., Part I, dated 21st October, 1915.

†Published in Bom. G. G., Jan. 13th, 1916, Part I, p. 43.

November, in the year Our Lord one thousand nine hundred and fifteen, and in the Sixth year of Our Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 613.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 309-W., dated Delhi, the 15th January 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 13th day of December, 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas by a Proclamation,† dated the 28th day of July 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :

That the Proclamation,† dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—

*Published in Bom. G. G., Jan. 20th, 1916, Part I, p. 89.

†Republished at pages 2138-2146 of the Bom. G. G., Part I, dated 26th August 1915.

Magnesite, caustic or lightly calcined, and dead burnt magnesite ; Magnesium and its alloys.

- (2) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

Beeswax.

- (3) That the heading ' Coal, all kinds, and coke made in gas works, but not including coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading ' Coal, all kinds, and coke, but not including coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.'

- (4) That the following heading should be included in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic Ports), Italy, Spain and Portugal :—

' All articles which are wholly or mainly manufactured of copper or its alloys and which are not at present prohibited to be exported to any destination.'

- (5) That the exportation of the following articles should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia, (except through Baltic ports), Italy, Spain and Portugal :—

Silica bricks.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 13645.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 940-W., dated Delhi, the 18th December 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following amendment shall

*Published in Bom. G. G., Dec. 23rd, 1915, Part I, p. 3056.

be made in the Notification in the Department of Commerce and Industry No. 10625-W., dated the 5th July 1915, as amended by Notification No. 175-W., dated the 13th November 1915 :—

Add the following as exception 5 :—

5. Tobacco.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 13644.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"No. 919-W., dated Delhi, the 18th December 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following addition shall be made to the Notification in this Department, No. 7050-W.,† dated the 22nd May 1915 as subsequently amended, viz.—

After the word 'Morocco,' insert 'Liberia, Portuguese East Africa.'

(Signed) C. E. Low,
Secretary to the Government of India."

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 21st December 1915.

‡ No. 13640.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 1028-W., dated Delhi, the 19th December 1915.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in partial modification of the Notification in this Department, No. 14381-W.,§ dated the 4th September 1915, the Governor General in Council is pleased to prohibit the export from British India of raw cow-hides, dry, salted or arsenicated, of weight less than 8 lbs. a piece, to all destinations other than the United Kingdom and British possessions and Protectorates, with effect from the 2nd January 1916.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

* Published in Bom. G. G., Dec. 23rd, 1915, Part I, p. 3055.

† Republished at page 2954 of the Bom. G. G., Part I, dated 9th December 1915.

‡ Published in Bom. G. G. Extraordinary, Dec. 21st, 1915, Part I, p. 3018.

§ Republished at page 2230 of Part I of the Bom. G. G., dated 9th September 1915.

*No. 1468.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 869-W., dated Delhi, the 5th February 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 20th day of December 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas by a Proclamation,† dated the 28th day of July 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading ‘ Iron, Hæmatite pig ’ in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, and that the exportation of ‘ Hæmatite pig iron ’ should be prohibited to all destinations.
- (2) That the exportation of ‘ Iron and steel smelting scrap ’ should be prohibited to all destinations.

*Published in Bom. G. G., Feb. 10th, 1916, Part I, p. 232.

†Republished at pages 2138 @ 2146 of the Bom. G. G., Part I, dated 26th August 1915.

- (3) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

Bichromate of soda ;
 Bladders, casings and sausage skins ;
 Colchicum and its preparations ;
 Solid drawn steel tubes ;
 Wireless telegraphs, material for.

- (4) That the headings ' Bichromate of soda ' and ' Bladders, casings and sausage skins ' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal should be deleted.

- (5) That the heading ' Telegraphs, wireless telegraphs, and telephones, material for ' in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal should be deleted, and there be substituted therefor the heading ' Telegraphs (other than wireless) and telephones, material for.'

- (6) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports,) Italy, Spain and Portugal : —

All such vegetable fibres and yarns made therefrom (not including linen thread) as are not at present prohibited to be exported to any destination.

Now, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. LOW,
Secretary to the Government of India.

Bombay Castle, 31st January 1916.

†No. 1163.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 678-W., dated Delhi, the 29th January 1916.

The following Order in Council is published for general information :—

†Published in Bom. G. G., Feb. 3rd, 1916, Part I, p. 190.

AT THE COUNCIL CHAMBER, WHITEHALL,

The 28th day of December 1915.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas by a Proclamation, dated the 28th day of July 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :

- (1) That the following headings in the list of goods the exportation of which is prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal, should be deleted, *viz.* :

Flaxen canvas, namely :—

- Hammock canvas ;
- Kit Bag canvas ;
- Merchant Navy canvas ;
- Royal Navy canvas ;
- Tent canvas ;

Linen close canvas ;

Linen duck cloth.

- (2) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

- Canvas of all kinds ;
- Canvas hose of all kinds ;

Drills, woven, of all kinds ;
Ducks, woven, of all kinds ;
Linen, *viz.* ;—

Linen yarns (not including linen thread) ;

Linen piece-goods, unbleached or not bleached in the
piece ;

Union cloths containing cotton in the proportion of
25 per cent. or upwards.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War*Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,
Secretary to the Government of India."

1916

APPENDIX III.—*continued.*

Bombay Castle, 19th January 1916.

*No. 612.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“CUSTOMS.

No. 221-W., dated Delhi, the 15th January 1916

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the importation of unset diamonds into British India from the United Kingdom, with effect from the 15th February 1916.

Provided that nothing in this Notification shall apply to diamonds shipped by or for the use of the Crown.

(Signed) C. E. Low,

Secretary to the Government of India.”

ROYAL PROCLAMATION OF 27TH JANUARY 1916 AS TO ADDITIONS
AND AMENDMENTS IN THE LIST OF ARTICLES TO BE
TREATED AS CONTRABAND OF WAR.

Bombay Castle, 29th February 1916.

†No. 2312.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“COMMERCE AND TRADE.

No. 1502-W., dated Delhi, the 26th February 1916.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

*Making Certain Additions to and Amendments in the List of Articles
to be treated as Contraband of War.*

GEORGE, R. I.

WHEREAS on the 14th day of October 1915, WE did issue OUR Royal Proclamation specifying the articles which it was OUR intention to treat as contraband during the continuance of hostilities or until WE did give further public notice; and

Whereas it is expedient to make certain further additions to and amendments in the said list;

NOW, THEREFORE, WE do hereby declare, by and with the advice of OUR Privy Council that, during the continuance of the war or until WE do give further public notice; the following articles will be treated as absolute contraband, in addition to those set out in Schedule I of OUR Royal Proclamation aforementioned :—

Cork, including cork dust.

*Published in Bom. G. G., Jan. 20th, 1916, Part I, p. 88.

†Republished in Bom. G. G. Extra., March 2nd, 1916, Part I, p. 372.

Bones in any form, whole or crushed, and bone ash.
Soap.

Vegetable fibres and yarns made therefrom.

And We do hereby further declare that as from this date the following amendments shall be made in Schedule I of Our Royal Proclamation aforementioned :—

In item 8, for 'acetone' shall be substituted 'acetones, and raw or finished materials usable for their preparation.'

In item 9, for 'phosphorus' shall be substituted 'phosphorus and its compounds.'

In item 26 there shall be added after the word 'parts' the words 'and accessories.'

In item 38 the more general term 'lead' shall be substituted for the words 'lead pig, sheet, or pipe.'

And We do hereby further declare that the following articles shall as from this date be treated as conditional contraband in addition to those set out in Schedule II of Our Royal Proclamation aforementioned :—

Casein.

Bladders, guts, casings, and sausage skins.

Given at Our Court at Buckingham Palace, this Twenty-seventh day of January, in the year of Our Lord One thousand nine hundred and sixteen, and in the Sixth year of Our Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

ORDER IN COUNCIL OF THE 28TH JANUARY 1916 FURTHER AMENDING PROCLAMATION OF THE 28TH JULY 1915.

*No. 2879.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"CUSTOMS.

No. 1898-W., dated Delhi, the 11th March 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 28th day of January 1916.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

*Published in Bom. G. G., Mar. 16th, 1916, Part I, p. 462.

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 28th day of July 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited.

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the exportation of the following goods should be prohibited to all destinations :—

Cotton rags ;

Linen rags ;

Waste paper ;

- (2) That the heading ' Railway waggons ' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be deleted, and there be substituted therefor the heading—

Railway waggons and their component parts.

- (3) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

Canes and sticks, unmounted, whether for basket making or not ;

Cordage and twine of Manila hemp ;

Europhen ;

Files ;

Pocket lamp cases and cases fitted with bulbs but not containing batteries ;

Rum and imitation rum.

NOW, THEREFORE, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

(Signed) C. E. Low,

Secretary to the Government of India."

*No. 1467.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"No. 911-W., dated Delhi, the 5th February 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following shall be substituted for clause (c) of the first proviso to the Notification in the Department of Commerce and Industry, No. 13467-W., dated the 14th August 1915, *viz.* :—

Imports of alabaster, bulbs, carbide of calcium, codliver oil, coral (raw), curbstone, cyanide of calcium, flax, flax seed, food-stuffs, [other than (i) sugar and (ii) spirits], granite, granite setts for paving, ice, iron ore, marble, pavement slates, paving slates, paving stones, quicksilver, sienna earth, slatestone, straw-board, sulphur, tar, timber of any kind (including pit-props, and wood hoops for making casks), mechanical wood pulp (excluding cellulose.)

(Signed) C. E. Low,

Secretary to the Government of India."

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 14th February 1916.

†No. 1730.—The following Notification by the Government of India, Commerce and Industry Department, is republished:—

"CUSTOMS.

No. 1086-W., dated Delhi, the 11th February 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of pepper and capsicum to all countries other than the United Kingdom, British Possessions and British Protectorates.

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,

Chief Secretary to Government.

*Published in Bom. G. G., Feb. 10th, 1916, Part I, p. 232.

†Published in Bom. G. G. Extraordinary, 14th Feb. 1916, Part I, p. 253.

DEFENCE OF INDIA (WOOL PURCHASE) RULES, 1916.

Bombay Castle, 1st March 1916.

*No. 1388.—The following Notifications by the Government of India, Commerce and Industry Department, are republished :—

“ Nos. 1246-W. and 1247-W., dated Delhi, the 16th February 1916.

In pursuance of section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, as subsequently amended, the Governor General in Council is pleased to make the following rules :—

Short title. (1) These rules may be called the Defence of India (Wool Purchase) Rules, 1916.

(2) With effect from 16th February 1916, no person shall (except under a license granted under Rule 3 and upon the conditions and to the extent stated in such license) purchase, or receive delivery of, wool which has been brought into British India from or through the State of Sikkim.

(3) The Governor General in Council may empower such officer as he may name in this behalf to grant licenses in writing on such terms as such officer may think fit, to any persons to purchase such wool.

(4) Any person who commits, or attempts to commit, or abets or attempts to abet, the commission of any act prohibited by these rules shall be punishable with rigorous imprisonment which may extend to one month, or with fine, or with both.

ORDER.

Under rule 3 of the Defence of India (Wool Purchase) Rules, 1916, the Governor General in Council is pleased to empower Mr. A. C. McWatters, Wheat Commissioner in India, to grant licenses in writing in such terms as he may think fit to any persons to purchase wool which has been brought into British India from or through the State of Sikkim.

(Signed) C. E. Low,
Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,
Secretary to Government.

ORDER IN COUNCIL OF 23RD FEBRUARY 1916.

Bombay Castle, 27th March 1916.

†No. 3432.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2343-W., dated Delhi, the 25th March 1916.

The following Order in Council is published for general information :—

*Published in Bom. G. G., Mar. 2nd, 1916, Part I, p. 344.

†Published in Bom. G. G., Mar. 30th, 1916, Part I, p. 611.

AT THE COUNCIL CHAMBER, WHITEHALL,

The 23rd day of February 1916.

By the Lords of His Majesty's Most Honourable Privy Council.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas by a Proclamation, dated the 28th day of July 1915, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council should be further amended by making the following amendments in and additions to the same :—

- (1) That the heading 'Hæmatite pig iron' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading :—

Pig iron of the following descriptions :—

- (a) Pig iron containing less than 0·1 per cent. of phosphorus, including hæmatite pig iron ;

- (b) All other pig iron containing more than 0·1 per cent. of phosphorus, but less than 1·5 per cent. of silicon together with less than 0·09 per cent. of sulphur.

- (2) That the exportation of the following goods should be prohibited to all destinations :—

Cerium, oxide and salts of ;

Cerium, and its alloys (except ferro-cerium) ;

Sugar, refined and candy.

Sugar, unrefined.

- (3) That the heading 'Draw plates, jewelled, for drawing steel wire, and diamonds prepared for use therein' in the list of goods the exportation of which is prohibited to all destinations abroad other than British Possessions and Protectorates should be

deleted, and there be substituted therefor the heading 'Draw plates, jewelled, for drawing wire, and diamonds prepared for use therein.'

- (4) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—
Ferro-cerium.

- (5) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

Bleaching powder ;

Fruit, fresh, dried, or preserved in any way, and nuts used as fruit ;

Oleaginous kernels, nuts, and seeds, such as are not already prohibited to be exported to any destination.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS.,

Chief Secretary to Government.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 29th March 1916.

*No. 3501.—The following Notifications by the Government of India, Commerce and Industry Department, are republished :—

"No 2401-W., dated Delhi, the 27th March 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit on and from the 1st April 1916, up to and including 31st March 1917, the taking by sea of wheat out of British India.

Provided that nothing in his notification shall apply to wheat shipped by or on behalf of the Crown.

*Published in Bom. G. G. Extraordinary, Mar. 29th, 1916, Part I, p. 592.

" No. 2402-W., dated Delhi, the 27th March 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that on and from the 1st April 1916, up to and including 31st March 1917, no wheat flour shall be taken out of British India unless a permit in this behalf signed by the Chief Customs Officer is produced to the Customs Collector at the port of export in respect of such wheat flour and such wheat flour is shipped in accordance with the terms of such permit.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,
G. S. CURTIS,
Chief Secretary to Government.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 17th April 1916.

*No. 4196.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" No. 1765-W., dated Simla, the 13th April 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of raw jute to the United States of America.

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,
P. R. CADELL,
Chief Secretary to Government.

NOTIFICATIONS.†

REVENUE DEPARTMENT.

Bombay Castle, 26th April 1916.

No. 4434.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" No. 2132-W., dated Simla, the 22nd April 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of all kinds of spices other than pepper (the export of which is already prohibited to all countries

*Published in Bom. G. G. Extraordinary, 17th April, 1916, Part I, p. 765.

†Published in Bom. G. G. Extraordinary, 26th April, 1916, Part I, p. 815.

other than the United Kingdom, British Possessions and British Protectorates by the Notification in this Department No. 1086-W.,* dated the 11th February 1916) but including pimento, to all countries in Europe and on the Mediterranean and Black Seas other than the United Kingdom, France, Russia (except Baltic ports), Italy, Spain and Portugal.

(Signed) C. E. Low,
Secretary to the Government of India."

No. 4435.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 2148-W., dated Simla, the 22nd April 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in partial supersession of the Notification in this Department No. 2561-W.,† dated the 13th March 1915, as amended, by Notification No. 10480-W.,‡ dated the 3rd July 1915, the Governor General in Council is pleased to prohibit :—

- (i) the export of cocoanut oil, cotton-seed oil, ground-nut oil and linseed oil to all destinations outside the British Empire; and
- (ii) the export of copra, linseed and mhowra to all destinations other than the United Kingdom, British Possessions and Protectorates, France, Italy and Russia (except the Baltic ports),

(Signed) C. E. Low,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

P. R. CADELL,
Chief Secretary to Government.

§No. 4387.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" CUSTOMS.

No. 2059-90-W., dated Simla, the 22nd April 1916.

The following Order in Council is published for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

The 16th day of March 1916.

By the Lords of His Majesty's Most Honourable Privy Council,

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or

*Republished at page 253 of the Bom. G. G. Extraordinary, Part I, dated 14th February, 1916.

†Republished at page 851 of the Bom. G. G., Part I, dated 18th March, 1915.

‡Republished at page 1748 of the Bom. G. G., Part I, dated 8th July, 1915.

§Published at page 823 of the Bom. G. G., Part I, dated April 27th, 1916.

added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council, on the recommendation of the Board of Trade :

And whereas by a Proclamation dated the 28th day of July 1915,* and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited :

And whereas by subsequent Orders of Council the said Proclamation was amended and added to in certain particulars :

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect :—

That the Proclamation, dated the 28th day of July 1915, as amended and added to by subsequent Orders of Council, should be further amended by making the following amendments in and additions to the same :—

- (1) That the headings 'Sugar, refined and candy' and 'Sugar, unrefined' in the list of goods the exportation of which is prohibited to all destinations should be deleted, and there be substituted therefor the heading 'Cane and beet sugar, unrefined or refined including candy.'
- (2) That the exportation of the following goods should be prohibited to all destinations :—
 - Acetic acid ;
 - Cinematograph films ;
 - Ferro-molybdenum ;
 - Ferro-silicon ; ,
 - Ferro-tungsten ;
 - Gramophone and other sound records ;
 - Photographic sensitive films, plates and printing paper whether exposed or not ;
 - Platinum, salts of ;
 - Radium ;
 - Tungsten.
- (3) That on and after the 27th day of March 1916, the exportation of 'Manufactured fuel' should be prohibited to all destinations abroad other than British Possessions and Protectorates.
- (4) That the exportation of the following goods should be prohibited to all destinations abroad other than British Possessions and Protectorates :—

*Republished at pp. 2138 @ 2146 of the Bom. G. G., Part I, of 26th August 1915.

Clinical thermometers ;
 Ramie stockings, and ramie fabrics for the manufacture of
 gas mantles ;
 Surgical instruments ;
 X-Ray apparatus .

- (5) That the exportation of the following goods should be prohibited to all foreign countries in Europe and on the Mediterranean and Black Seas, other than France, Russia (except through Baltic ports), Italy, Spain and Portugal :—

Absinthe ;

Chemicals, the following :—

Barium sulphate ;

Calcium sulphate ;

Iron sulphate ;

Sodium sulphate and bisulphate (including nitre cake) ;

Strontium sulphate ;

Glucose and malt sugar ;

Salt, rock and white, except table salt.

Now, therefore, Their Lordships, having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, the Director of the War Trade Department, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY,
 (Signed) C. E. Low,
Secretary to the Government of India."

†No. 4388.—The following Notification by the Government of India, Commerce and Industry Department, is reproduced :—

" CUSTOMS.

No. 2103-W., dated Simla, the 22nd April 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to direct that the following shall be substituted for the proviso to this Department's Notification (Customs) No. 15127-W., dated the 25th September 1915* :—

' Provided that nothing in this Notification shall apply to :—

(i) Goods shipped by, or for the use of the Crown ;

(ii) Goods shipped to any Indian port ;

(iii) Goods required for use or consumption in—

(a) French or Portuguese possessions in India, or

(b) Native States in India.'

(Signed) C. E. Low,
Secretary to the Government of India."

†Published at page 824 of the Bom. G. G., Part I, dated April 27th, 1916.

*Republished at page 2376 of the Bombay G. G., Part I, dated 30th September 1915.

REVENUE DEPARTMENT.

Bombay Castle, 1st May 1916.

*No. 4570.—The following Press Communiqué No. 4526, dated 29th April 1916, is published for general information :—

PRESS COMMUNIQUE.

The export of block tin from British India to the Persian Gulf is prohibited except on certificates granted by the Political Resident or other responsible Political officer allowing the importation. This prohibition is equally applicable in regard to exports consigned to Basrah and other occupied territories in the East. Certain consignments of block tin to Basrah were recently not allowed to be landed by the Political authorities in consequence of the absence of the required certificates. Exporters are therefore warned against sending this article to these places without first obtaining the requisite certificate from the authorities concerned.

By order of His Excellency the Right Honourable the Governor in Council,

P. R. CADELL,

Chief Secretary to Government,

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 4th May 1916.

†No. 4732.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ No. 2506-IV., dated Simla, the 1st May 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, and in supersession of the Notification in this Department Nos. 2401-IV., and 2402-W., ‡ dated the 27th March 1916, the Governor General in Council is pleased to direct that on and from the 1st May 1916, no wheat or wheat flour shall be taken out of British India unless a permit in this behalf signed by the Chief Customs Officer is produced to the Customs Collector at the port of export in respect of such wheat or wheat flour, and unless such wheat or wheat flour is shipped in accordance with the terms of such permit.

Provided that nothing in this notification shall apply to :—

- (i) Goods shipped by, or for the use of, the Crown ;
- (ii) Goods shipped for use during the voyage ;
- (iii) Goods shipped to other ports in British India.

(Signed) C. E. Low,

Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,

P. R. CADELL,

Chief Secretary to Government.

*Published in Bom. G. G., 4th May 1916, p. 365.

†Published in Bom. G. G., Part I, 4th May 1916, p. 902.

‡Republished at page 592 of the Bom. G. G. Extraordinary, Part I, dated 29th March 1916.

Bombay Castle, 9th May 1916.

*No. 4851.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2281-W., dated Simla, the 29th April 1916.

1. WHEREAS by paragraph 5 (7) of the Trading with the Enemy Proclamation No. 2|| dated the 9th day of September 1914, as amended and extended by the Proclamation dated the 5th day of November 1914† and by the Proclamation dated the 16th day of October 1915,‡ the obtaining of any goods, wares or merchandise from the territories of the German Empire or of the Dual Monarchy of Austria-Hungary, together with all the Colonies and Dependencies thereof, or from the territories of the Sultan of Turkey (other than Egypt or any territory in the occupation of the British Government, or its Allies), or from the territories of the King of the Bulgarians, in this license and in the said Proclamation referred to as ‘ enemy country ’ is forbidden : and

WHEREAS by paragraph 1 of the Trading with the Enemy (Occupied Territory) Proclamation, 1915,§ it is provided that the said Proclamations shall apply to the territory of an Allied State in hostile occupation as they apply to an enemy country ; and by paragraph 4 of the said Proclamation, it is provided that nothing in that Proclamation shall be taken to prohibit anything which may be expressly permitted by a license granted by or on behalf of the Crown : and

WHEREAS by paragraph 3 of the Proclamation dated the 8th day of October 1914¶, power to grant such license on behalf of the Crown may be exercised in India by the Governor General :

NOW, THEREFORE, I, Frederic John Napier Thesiger, Baron Chelmsford, hereby authorise all persons freely residing, being or carrying on business in British India, to obtain goods, wares or merchandise from the Territory of Belgium in hostile occupation without the intervention of a firm in the United Kingdom, on the condition that the person importing such goods, wares or merchandise, shall produce before the Customs officer at the port of import—

- (i) an undertaking that he will pay the purchase money into a special account, in the name of the exporter, in a Bank in British India or United Kingdom, and will, when called upon to do so, furnish evidence of such payment within a reasonable period after the importation of the goods, wares or merchandise :

*Published in Bom. G. G., Part I, May 11th, 1916, p. 938.

||Republished at pages 2837 at 2839 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

†Republished at pages 2667—2668 of the Bom. G. G., Extraordinary, Part I, dated 9th November 1914.

‡Republished at pages 2827-2828 of the Bom. G. G., Part I, dated 25th November 1915.

§Republished at pages 929—930 of the Bom. G. G., Part I, dated 1st April 1915.

¶Republished at pages 2839—2840 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

- (ii) an undertaking by the Bank that, so long as the enemy occupation of Belgium continues, no money will be allowed to be withdrawn from such special account, except under license from the Governor General, and that no charge on the account will be allowed or recognised without such license ; and
- (iii) a certificate from a British Consular Officer to the effect that the goods are in fact of Belgian origin.

Explanation.—Goods manufactured in Holland which owe less than twenty-five per cent. of their value to enemy (other than Belgian) labour or material, but include also a Belgian element which raises the proportion to more than twenty-five per cent. are considered for the purpose of this license as goods of Belgian origin.

- * 2. This license may be cited as the Trading License (Belgium), 1916.

CHELMSFORD,

Viceroy and Governor General of India,

(Signed) C. E. Low,

Secretary to the Government of India."

POLITICAL DEPARTMENT.

Bombay Castle, 10th May 1916.

*No. 3322-W.,—The following Notification by the Government of India, in the Department of Commerce and Industry, is republished :—

"No. 2337-W., dated Simla, the 29th April 1916.

In modification of the Notification in this Department No. 1203-W. dated the 28th November 1914, the following Order in Council is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE.

The 30th day of March 1916.

PRESENT :

The King's Most Excellent Majesty in Council.

WHEREAS by the Declaration of London Order in Council No. 2, 1914, His Majesty was pleased to direct that during the present hostilities the provisions of the Convention known as the Declaration of London should, subject to certain omissions and modifications therein set out, be adopted and put in force by His Majesty's Government ; and

WHEREAS doubts have arisen as to the effect of Article 1 (iii) of the said Order in Council on the right to effect the capture of conditional contraband on board a vessel bound for a neutral port ; and

WHEREAS it is expedient to put an end to such doubts and otherwise to amend the said Order in Council in the manner hereinafter appearing ; and

*Published in the Bom. G. G., May 11th, 1916, Part I, p. 966.

WHEREAS by Article 19 of the said Declaration it is provided that whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade if, at the moment she is on her way to a non-blockaded port; and

WHEREAS it is no longer expedient to adopt Article 19 of the said Declaration;

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The provisions of the Declaration of London Order in Council No. 2; 1914, shall not be deemed to limit or to have limited in any way the right of His Majesty, in accordance with the law of nations, to capture goods upon the ground that they are conditional contraband, not to affect or to have affected the liability of conditional contraband to capture, whether the carriage of the goods to their destination be direct or entail transhipment or a subsequent transport by land.

2. The provisions of Article 1 (ii) and (iii) of the said Order in Council shall apply to absolute contraband as well as to conditional contraband.

3. The destinations referred to in Article 30 and in Article 33 of the said Declaration shall (in addition to any presumptions laid down in the said Order in Council) be presumed to exist, if the goods are consigned to or for a person, who, during the present hostilities, has forwarded imported contraband goods to territory belonging to or occupied by the enemy.

4. In the cases covered by Articles 2 and 3 of this Order, it shall lie upon the owner of the goods to prove that their destination was innocent.

5. From and after the date of this Order, Article 19 of the Declaration of London shall cease to be adopted and put in force. Neither a vessel nor her cargo shall be immune from capture for breach of blockade upon the sole ground that she is at the moment on her way to a non-blockaded port.

6. This Order may be cited as 'The Declaration of London Order in Council, 1916.'

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY,

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,

Secretary to Government.

*No. 4852.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ CUSTOMS.

No. 2385-78-W., dated Simla, the 29th April 1916.

The following Royal Proclamations are published for general information :—

BY THE KING.

A PROCLAMATION.

For prohibiting the Importation of Canned, Bottled, Dried and Preserved Fruits into the United Kingdom.

GEORGE, R. I.

WHEREAS by Section forty-three of the Customs Consolidation Act, 1876, it is provided that the importation of arms, ammunition, gunpowder, or any other goods may be prohibited by Proclamation :

AND WHEREAS it is expedient that the importation into the United Kingdom of certain goods of a bulky character should be prohibited as herein-after provided :

NOW, THEREFORE, WE, by and with the advice of OUR Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf, do hereby proclaim, direct and ordain as follows :—

As from and after the Thirteenth day of March 1916, subject as herein-after provided, the importation into the United Kingdom of the following goods is hereby prohibited, viz. :—

Canned, bottled, dried and preserved fruits, except currants :

Provided always, and it is hereby declared that this prohibition shall not apply to any canned, bottled, dried or preserved fruits which are the produce of any of OUR Dominions, Colonies, Possessions or Protectorates, nor to any fruits which are imported under license given by, or on behalf of the Board of Trade, and subject to the provisions and conditions of such license.

This Proclamation may be cited as the Prohibition of Import (Canned, Bottled, Dried and Preserved Fruits) Proclamation, 1916.

Given at OUR Court at Buckingham Palace this Tenth day of March, in the year of Our Lord One thousand nine hundred and sixteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

BY THE KING.

A PROCLAMATION.

For prohibiting the Importation of certain Articles into the United Kingdom.

GEORGE, R. I.

WHEREAS by Section forty-three of the Customs Consolidation Act, 1876, it is provided that the importation of arms, ammunition, gunpowder, or any other goods may be prohibited by Proclamation :

*Published in Bom. G. G., Part I, May 11th, 1916, p. 939.

AND WHEREAS it is expedient that the importation into the United Kingdom of certain goods should be prohibited as hereinafter provided :

NOW, THEREFORE, WE, by and with the advice of OUR Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf, do hereby proclaim, direct and ordain as follows :—

As from and after the Thirtieth day of March 1916, subject as hereinafter provided, the importation into the United Kingdom of the following goods is hereby prohibited, viz.:—

Baskets and basketware (except baskets and basketware of bamboo).

Cement.

Chinaware, earthenware and pottery, not including cloisonné wares.

Cotton yarn, cotton piece-goods and cotton manufactures of all kinds, except hosiery and lace.

Cutlery.

Fatty acids.

Furniture, manufactured joinery and other wood manufactures, except lacquered wares.

Hardware and hollow-ware.

Oilcloth.

Soap.

Toys, games and playing cards.

Wood and timber of the following kinds, viz.:—beech, birch, elm and oak.

Woollen and worsted manufactures of all kinds, except yarns.

Provided always, and it is hereby declared, that this prohibition shall not apply to any such goods which are imported under license given by, or on behalf of the Board of Trade, and subject to the provisions and conditions of such license.

This Proclamation may be cited as the Prohibition of Import (No. 4) Proclamation, 1916.

Given at OUR Court at Buckingham Palace, this Thirtieth day of March in the year of Our Lord One thousand nine hundred and sixteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

BY THE KING.

A PROCLAMATION.

For prohibiting the Importation of certain Articles into the United Kingdom.
GEORGE, R. I.

WHEREAS by section forty-three of the Customs Consolidation Act, 1876, it is provided that the importation of arms, ammunition, gunpowder or any other goods may be prohibited by Proclamation :

AND WHEREAS it is expedient that the importation into the United Kingdom of certain goods should be prohibited as hereinafter provided :

NOW, THEREFORE, WE, by and with the advice of OUR Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf do hereby proclaim, direct and ordain as follows :—

As from and after the Twenty-seventh day of March 1916, subject as hereinafter provided, the importation into the United Kingdom of the following goods is hereby prohibited, viz. :—

Motor cars, chassis, motor cycles and parts and accessories of motor cars and motor cycles (other than tyres) with the exception of the motor cars, chassis, accessories and parts which are at present exempted from import duty under Section 13 (4) of the Finance No. 2 Act, 1915.

Musical instruments, including gramophones and pianolas and other similar instruments and accessories, component parts and records therefor.

Spirits and strong waters of all kinds, except Brandy and Rum.

Provided always, and it is hereby declared, that this prohibition shall not apply to any such goods which are imported under license given by, or on behalf of, the Board of Trade, and subject to the provisions and conditions of such license.

This Proclamation may be cited as the Prohibition of Import (No. 3) Proclamation, 1916.

Given at OUR Court at Buckingham Palace, this Twenty-first day of March, in the year of Our Lord One thousand nine hundred and sixteen, and in the Sixth year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

*No. 4853.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

"COMMERCE AND TRADE.

No. 2274-IV., dated Simla, the 29th April 1916.

WHEREAS, by paragraph 5 of the Trading with the Enemy Proclamation No. 2,† dated 9th September 1914, as amended and extended by the Proclamation dated the 5th November 1914,‡ and by the Proclamation dated 16th October 1915,§ trade and financial or commercial transactions between British subjects and persons or bodies of persons resident in the territories of the German Empire or in the Dual Monarchy of Austria-Hungary or in the respective colonies and dependencies thereof, or in the territories of the Sultan of Turkey (other than Egypt, or any territory in the occupation of the British Government or its Allies), or in the territories of the King of the Bulgarians in this license and in the said Proclamations referred to as 'enemy country' are prohibited: and

*Published in Bom. G. G., Part I, May 11th, 1916, p. 940.

†Republished at pages 2837 at 2839 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

‡Republished at pages 2667—2668 of the Bom. G. G. Extraordinary, Part I, dated 9th November 1914.

§Republished at pages 2827—2828 of the Bom. G. G., Part I, dated 25th November 1915.

WHEREAS, by paragraph 1 of the Trading with the Enemy (China, Siam, Persia and Morocco) Proclamation, 1915,† it is provided that the said Proclamations shall apply to persons or bodies of persons of enemy nationality resident or carrying on business in China, Siam, Persia or Morocco, in the same manner as they apply to persons or bodies of persons resident or carrying on business in an enemy country; and, by paragraph 2 of the said Proclamation, it is provided that nothing in the Proclamation shall be taken to prohibit anything which may be specially permitted by license granted by, or on behalf of the Crown: and

WHEREAS, by paragraph 3 of Proclamation dated 8th October 1914,§ power to grant such licenses on behalf of the Crown may be exercised in India by the Governor General:

Now, THEREFORE, I, Frederic John Napier Thesiger, Baron Chelmsford, hereby authorize all British subjects residing, being or carrying on business in British India, to trade or carry on business with the persons or bodies of persons of enemy nationality resident or carrying on business in Persia who are named in the schedule hereto attached, and with such other persons or bodies of persons so resident as may hereafter be declared by a notification of the Governor General in Council in the *Gazette of India* to be well disposed towards the British Government.

2. This license may be cited as the Trading License (Persia), 1916;

3. The Trading License (Persia), 1915, is hereby revoked.

Provided that the revocation of the said license shall not affect the validity of anything done in pursuance of it, and that references in any document to the said license shall hereafter, unless a contrary intention appears therein, be construed as references to this license.

Dated this 29th day of April 1916.

CHELMSFORD,

Viceroy and Governor General.

SCHEDULE.

Abraham Rahmin Bilbool	..	..	..	Hamadan.
Atesh, George	..	..	..	"
Bashi, Joseph Eliahou	..	..	..	"
Castelli Carpet Co., Ltd.	..	..	..	Tabriz.
Crionas, Thaodore	..	..	..	"
Davud Aboudi H. Hain	..	..	..	Kermanshah.
Dawood Heskil	..	..	..	Mohammerah.
Dawood Khabbazieh	..	..	..	"
Dayan, Aaron	..	..	..	Hamadan.
Djemchid Chohriah Parsi	..	..	..	Teheran.
Doodi Saleh Nahom or Daoud Saleh Nahom	..	..	..	Mohammerah.
Dungoor Sion & Co.	..	..	..	Hamadan.

† Republished at page 1957 of the Bom. G. G., Part I, dated 29th July, 1915.

§ Republished at pages 2839—2840 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

Eliahim Peress	..	..	..	..	..	Hamadan.
Eliahoo Moualim	..	..	..	..	..	"
Eliahou Peress	..	..	..	..	..	"
Elias Nissan	..	..	..	..	..	"
Eoodi Sales	..	..	..	..	..	Mohammerah.
Esra, Joseph Jacob	..	..	..	..	..	Hamadan.
Ezra Aboudi Haim	..	..	..	..	..	"
Gahtan, Salman D.	..	..	..	..	..	" and Pushire.
Gulbenkian Bros.	..	..	..	..	..	Mohammerah.
Hagooli and Sons	..	..	..	..	..	"
Hagooli Rabi	..	..	..	..	..	Hamadan.
Haihkas Effendi	..	..	..	..	..	Bushire.
Hayim and Sons, Shaoul Morad	..	..	..	..	..	Mohammerah.
Heskiel Habbob	..	..	..	..	..	"
Heskil Miscail	..	..	..	..	..	Hamadan.
Heskel Peress	..	..	..	..	..	Mohammerah.
Heskel Rahmin Mikhael	..	..	..	..	..	"
Heskil Shameh	..	..	..	..	..	"
Hougvi Saleh Nahum	..	..	..	..	..	Hamadan.
Hovhannes Vorperian	..	..	..	..	..	"
Ibrahim Ishayek	..	..	..	..	..	"
Johannes Thooni	..	..	..	..	..	"
Joseph Eliahou Bashi	..	..	..	..	..	Hamadan.
Joseph, J. M.	..	..	..	..	..	Mohammerah.
Khazzuri Yusuf	..	..	..	..	..	Hamadan.
Khedouri Ezra Ashir	..	..	..	..	..	Mohammerah.
Maroodi Dawood	..	..	..	..	..	Hamadan.
Mesrobian, Leon	..	..	..	..	..	"
Mesrobian T.	..	..	..	..	..	"
Mihran Khorigirian	..	..	..	..	..	"
Mushi Saleh Maroodi, Agent of Messrs. Sassoon	..	..	..	..	..	Mohammerah.
Maroodi	..	..	..	..	..	Hamadan.
Musa Levi	..	..	..	..	..	"
Nasim Masri and Sons	..	..	..	..	..	Tabriz.
Onik Muhellian	..	..	..	..	..	Teheran.
Paparian	..	..	..	..	..	Meshed.
Peniaman Khanlian	..	..	..	..	..	Teheran.
Pilides, D. P.	..	..	..	..	..	Hamadan.
Saleh Nessim Epraim	..	..	..	..	..	"
Salman Nessim Reuben	..	..	..	..	..	Teheran.
Seyed Reza	..	..	..	..	..	Hamadan.
Shaoul Moualim	..	..	..	..	..	"
Shasul Ressim	..	..	..	..	..	Bushire.
Shaul Murad and Co.	..	..	..	..	..	Mohammerah.
Shawool Dawood	..	..	..	..	..	....
Société en Action Economé	..	..	..	..	..	Ispahan, Kermanshah
Toeg and Sofer	..	..	..	..	..	Mohammerah.
Uzair Abdullah	..	..	..	..	..

Uzair Mooshi	..	..	..	..	..	Mohammerah.
Uzra Dabi	..	..	..	..	..	..
Uzra Radi	..	..	..	..	..	..
Vladictas, Serge, J. B. P.	..	..	..	..	..	Tabriz.
Yusuf, David	..	..	..	..	..	Hamadan.
Yusuf Mooshi	..	..	..	..	..	..
Zelouf, Aboudi and Co.	..	..	..	..	..	..

(Signed) C. E. Low,
Secretary to the Government of India."

No. 4854.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

" EXCISE.

No. 2409-W., dated Simla, the 29th April 1916.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased, in supersession of Notification No. 14953-56,* dated the 20th September 1915, to prohibit the taking out of British India of saltpetre, unless a permit in this behalf signed by the Chief Customs Officer is produced to the Customs Collector at the port of export, in respect of such saltpetre, and unless such saltpetre is shipped in accordance with the terms of such permit.

(Signed) C. E. LOW,
Secretary to the Government of India."

*Republished at page 2375 of the Bom. G. G., Part I, dated 30th Sept. 1915.

1916

APPENDIX IV.

(Vide Chapter V, ante).

ROYAL PROCLAMATIONS,

ORDERS OF COUNCIL

AND

NOTIFICATIONS

AS TO

TRADING WITH THE ENEMY.

ROYAL PROCLAMATION OF 5TH AUGUST, 1914, PROHIBITING
TRADING WITH THE ENEMY.
GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 7th August, 1914.

*No. 6883.—The following Royal Proclamation setting forth the Law and Policy with regard to *Trading with the Enemy*, is published for general information :—

BY THE KING.

A PROCLAMATION.

GEORGE, R. I.

WHEREAS a state of war exists between Us and the *German Emperor*; and whereas it is contrary to law for any person resident, carrying on business, or being in OUR Dominions to trade or have any commercial intercourse with any "*person*" resident, carrying on business, or being in the German Empire without OUR permission :

AND whereas it is, therefore expedient and necessary to warn all persons resident, carrying on business, or being in OUR Dominions of their duties and obligations towards Us, OUR Crown, and Government :

NOW, THEREFORE, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation, and WE do hereby warn all persons resident, carrying on business, or being in OUR Dominions :

Not to supply to or obtain from the German Empire, any goods, wares, or merchandise, or to supply to or obtain the same from any *person* resident, carrying on business, or being therein, nor to supply to or obtain from any *person* any goods, wares, or merchandise for or by way of transmission to or from the German Empire, or to or from any person resident, carrying on business, or being therein, nor to trade in or carry any goods, wares, or merchandise destined for or coming from the German Empire, or for or from any *person resident, carrying on business, or being therein* :

Nor to permit any British ship to leave for, enter or communicate with any port or place in the German Empire :

Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the German Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any such person in respect of any loss due to the belligerent action of His Majesty's forces or of those of any Ally of His Majesty :

Nor to enter into any new commercial, financial or other contract or obligation with or for the benefit of any person *resident*, carrying on business, or being in the German Empire :

And WE do hereby further warn all persons that whoever in contravention of the law shall commit, aid or abet any of the aforesaid acts will be liable to such penalties as the law provides :

*Published in Bom. G. G., Aug. 10th, page 1800.

And WE hereby declare that *any transactions* to, with, or for the *benefit* of any *person* resident, carrying on business, or *being* in the German Empire, *which are not treasonable and are not for the time being expressly prohibited by Us* either by virtue of this Proclamation or otherwise, and which but for the existence of the state of-war aforesaid would be lawful, *are hereby permitted.*

And WE hereby declare that the expression "*person*" in this Proclamation shall include *any body of persons corporate or unincorporate, and that where any person* has or had an interest in houses or branches of business in some other country as well as in Our Dominions, (or in the said Empire, as the case may be)* this Proclamation shall not apply to the trading or commercial intercourse carried on by such *person solely from or by such houses or branches of business* in such other country.

Given at OUR Court at Buckingham Palace this 5th day of August in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) R. E. ENTHOVEN,
Secretary to the Government of India."

ROYAL PROCLAMATION OF 5TH AUGUST, 1914, PROHIBITING
FINANCIAL AND OTHER DEALINGS WITH THE
GERMAN GOVERNMENT.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 10th August 1914.

‡No. 115-W.—The following Notification by the Government of India, Finance Department, is republished:—

"ACCOUNTS AND FINANCE—MISCELLANEOUS.

No. 1100-F., dated Simla, the 7th August 1914.

The following Royal Proclamation is published for general information:—

BY THE KING.

A PROCLAMATION.

WHEREAS a state of war exists between Us and the German Emperor.†

And whereas it constitutes adherence to OUR enemies for any of OUR subjects or persons resident or being in OUR dominions during the continuance of the state of war to contribute to or participate in or assist in the floating

*The words in the above brackets were added by another Royal Proclamation dated 5th August, 1914. (Vide Govt. of India Notification No. 7138, dated 10th August, 1914, published in the Gazette of India-Extraordinary of the same date.)

The whole Proclamation was revoked subsequently and another Trading with the Enemy Proclamation enacted in its stead, vide post.

† Published in Bom. G. G. Extraordinary, Aug. 10th, 1914, Part I, p. 1804

‡ This Proclamation was extended to Austria-Hungary and Turkey by Proclamations dated respectively 12th Aug. and 5th November, 1914, and to Bulgaria as from the 16th October 1915, by Proclamation of 16th October 1915, vide post.

of any loan by the Government of the said Emperor or to advance money to or enter into any contract or dealings whatsoever with the said Emperor or his Government (save upon OUR command), or otherwise to aid, abet, or assist the said Government.

Now, therefore, WE do hereby warn all OUR subjects and all persons resident or being in OUR dominions who may be found doing or attempting any of such treasonable acts as aforesaid that they will be liable to be apprehended and dealt with as traitors, and will be proceeded against with the utmost rigour of the law.

Given at OUR Court at Buckingham Palace this fifth day of August in the year of OUR LORD, one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

(Signed) J. B. BRUNYATE,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,
Secretary to Government.

PROCLAMATION DATED 12TH AUGUST, 1914, RELATING TO
AUSTRIA-HUNGARY.

*No. 399-W., dated the 16th September, 1914.—In supersession of the Foreign and Notification in this Department, No. 111-W., dated the Political 15th August 1914, the following Royal Proclamation is Department. published for general information :—

BY THE KING.

A Proclamation extending the scope of certain existing Proclamations and a certain Order in Council connected with the War.

GEORGE, R. I.

WHEREAS on the fourth day of August, one thousand nine hundred and fourteen, a state of war came into existence between Us on the one hand and the German Empire on the other :

And whereas WE did on the same date and on the fifth day of August, one thousand nine hundred and fourteen, issue certain Proclamations and Orders in Council connected with such state of war :

And whereas a state of war now exists between Us on the one hand and the Dual Monarchy of Austria-Hungary on the other :

And whereas it is therefore desirable to extend the scope of certain of the Proclamations and Orders in Council aforesaid :

*This Proclamation was first published in India on 15th August 1914, but as it contained an incorrect reproduction of the title to the Proclamation it was republished on the above date, *vide* Bom. G. G. Extraordinary, August 16th, 1914, Part I, p. 1907.

Now, therefore, WE have thought fit by and with the advice of OUR Privy Council to issue this OUR Royal Proclamation declaring and it is hereby declared as follows :—

1. The Proclamation warning all OUR subjects and all persons resident or being in OUR Dominions from contributing to or participating in or assisting in the floating of any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this date to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting, or assisting the Austro-Hungarian Government.

*2. The Proclamation on Trading with the Enemy, shall be deemed as from this date to prohibit with the Dual Monarchy of Austria-Hungary all commercial intercourse, which under the said Proclamation is prohibited with the German Empire, and for this purpose such Proclamation shall be read as if throughout the operative portion thereof, the words "either the German Empire or the Dual Monarchy of Austria-Hungary" were substituted for the words "the German Empire."

3. (1) In the Order in Council issued with reference to the departure from OUR Ports of enemy vessels, which at the outbreak of hostilities were in any such Port or which subsequently entered the same, the word "enemy" as applied to either ships or cargo, shall be deemed as from this date to include Austro-Hungarian ships or cargo.

(2) In the application of this Article to Austro-Hungarian ships the date Saturday, the fifteenth day of August, shall be substituted for the date mentioned in Article 2 of the said Order in Council, and the date Saturday, the twenty-second day of August, shall be substituted for the date mentioned in Article 3 of the said Order in Council.

4. The Proclamation specifying the Articles which it is OUR intention to treat as Contraband of War during the war with Germany shall be deemed to specify the Articles which it is OUR intention to treat as Contraband of War during the war with Austria-Hungary.

5. In the Proclamation forbidding the carriage in British vessels from any Foreign Port to any other Foreign Port of any article comprised in the list of Contraband of War issued by Us, unless the shipowner shall have first satisfied himself that the articles are not intended ultimately for use in the enemy country, the words "enemy country" shall be deemed as from this date to include the Dual Monarchy of Austria-Hungary.

Given at OUR Court at Buckingham Palace this twelfth day of August in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

*Paragraph 2 has been revoked by paragraph 1 of the Trading with the Enemy Proclamation, No. 2, dated 9th September, 1914, *infra*.
[See Gazette of India, 1914, Part I, page 1433.]

THE TRADING WITH THE ENEMY PROCLAMATION, No. 2, DATED
9TH SEPTEMBER, 1914.

Department
of Commerce
and Industry.
Commerce and
Trade.

*No. 419-W., dated the 31st October, 1914.—In supersession of the Notification in this Department No. 9507-Commerce and Trade, dated the 12th September, 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

†A Proclamation relating to Trading with the Enemy.†

GEORGE, R. I.

WHEREAS a state of war has existed between Us and the German Empire as from 11 P.M., on August 4th, 1914, and a state of war has existed between Us and the Dual Monarchy of Austria-Hungary as from midnight on August 12th, 1914 :

And whereas it is contrary to law for any person resident, carrying on business or being in OUR Dominions, to trade or have any commercial or financial transactions with any person resident or carrying on business in the German Empire or Austria-Hungary without OUR permission :

And whereas by OUR Proclamation of the 5th August 1914, relating to trading with the Enemy, certain classes of transactions with the German Empire were prohibited :

And whereas by paragraph 2 of OUR Proclamation of the 12th August, 1914, the said Proclamation of the 5th August, 1914, was declared to be applicable to Austria-Hungary :

And whereas it is desirable to restate and extend the prohibitions contained in the former Proclamations, and for that purpose to revoke the Proclamation of the 5th August, 1914, and paragraph 2 of the Proclamation of the 12th August, 1914, and to substitute this Proclamation therefor :

And whereas it is expedient and necessary to warn all persons resident, carrying on business or being in OUR Dominions of their duties and obligations towards Us, OUR Crown, and Government :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring and it is hereby declared as follows :—

1. The aforesaid Proclamation of the 5th August, 1914, relating to trading with the Enemy, and paragraph 2 of the aforesaid Proclamation of the 12th August, 1914, together with any public announcement officially issued in explanation thereof, are hereby, as from the date hereof, revoked, and from and after the date hereof, this present Proclamation is substituted therefor.

*Published in Bom. G. G., September 12th, 1914, Part I, p. 2139. See also Gazette of India, 1914, Part I, p. 1743.

†For extension to persons of enemy nationality residing in China, Siam, Persia or Morocco, see the Trading with the Enemy (China, Siam, Persia and Morocco) Proclamation 1915, dated 25th June, 1915, *infra*.

†For interpretation of the word "Enemy" see the Proclamation relating to Trading with the Enemy, dated 14th September, 1915, *infra*.

2. The expression "enemy country" in this Proclamation means the territories of the German Empire and of the Dual Monarchy of Austria-Hungary, together with all the colonies and dependencies thereof.

*3. The expression "enemy" in this Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country.

4. The expression "outbreak of war" in this Proclamation means 11 P.M. on the 4th August, 1914, in relation to the German Empire, its colonies and dependencies, and midnight on the 12th August, 1914, in relation to Austria-Hungary, its colonies and dependencies.

5. From and after the date of this Proclamation the following prohibitions shall have effect (save so far as licenses may be issued as hereinafter provided), and We do hereby accordingly warn all persons resident, carrying on business or being in Our Dominions—

- (1) Not to pay any sum of money to or for the benefit of an enemy.†
- (2) Not to compromise or give security for the payment of any debt or other sum of money with or for the benefit of an enemy.
- (3) Not to act on behalf of an enemy in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with any negotiable instrument.
- (4) Not to accept, pay, or otherwise deal with any negotiable instrument which is held by or on behalf of an enemy, provided that this prohibition shall not be deemed to be infringed by any person who has no reasonable ground for believing that the instrument is held by or on behalf of an enemy.
- (5) Not to enter into any new transaction, or complete any transaction already entered into with an enemy in any stocks, shares, or other securities.
- * (6) Not to make or enter into any new marine, life, fire or other policy or contract of insurance (including re-insurance) with or for the benefit of an enemy; nor to accept, or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of war; and in particular as regards Treaties or Contracts of re-insurance current at the outbreak of war to which an enemy is a party or in which an enemy is interested, not to cede to the enemy or to accept from the enemy under any such Treaty or Contract any risk arising under any policy or contract of insurance (including re-insurance)

*This has been substituted for the original clause (6) by Proclamation, dated the 8th October, 1914, relating to Trading with the Enemy, *infra*.

†For interpretation of these words in clause (10), see clause 2 (1), *ibid*.

made or entered into after the outbreak of war, or any share in any such risk.

- (7) Not directly or indirectly to supply to or for the use or benefit of, or obtain from, an enemy country or an enemy any *goods, wares or merchandise*, nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy, nor directly or indirectly to trade in or carry any goods, wares or merchandise destined for or coming from an enemy country or an enemy.
- (8) Not to permit any British ship to leave for, enter or communicate with, any *port* or place in an enemy country.
- (9) Not to enter into any commercial, financial or other contract or obligation with or for the benefit of an enemy.
- (10) Not to enter into any transactions with an enemy if and when they are prohibited by an [†Order of Council made and published on the recommendation of a Secretary of State], even though they would otherwise be permitted by law or by this or any other Proclamation.

And WE do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts, is guilty of a crime and will be liable to punishment and penalties accordingly.

6. Provided always that where an *enemy* has a branch locally situated in British, allied, or neutral territory, not being neutral territory in Europe, *transactions by or with such branch shall not be treated as transactions by or with an enemy.*

7. Nothing in this Proclamation shall be deemed to prohibit *payments* by or on account of enemies to persons resident, carrying on business or being in OUR Dominions, if such payments arise out of transactions entered into before the outbreak of war or otherwise permitted.

*8. *Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our license, or by the license given on OUR behalf by a Secretary of State, or the Board of Trade, whether such licenses be especially granted to individuals or be announced as applying to classes of persons.*

9. This Proclamation shall be called *the Trading with the Enemy Proclamation, No. 2.*

Given at OUR Court at Buckingham Palace, this *ninth* day of *September*, in the year of OUR Lord, one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

†[See Gazette of India, 1914, Part I, page 1743.]

*For extension of para 8, see clause 3 of the Proclamation relating to Trading with the Enemy, dated 8th October, 1914, *infra*.

OFFICIAL TREASURY EXPLANATION, DATED 22ND
AUGUST, 1914, OF THE ROYAL PROCLAMATION AS TO
TRADING WITH THE ENEMY OF THE 5TH AUGUST 1914
EXPLANATORY ANNOUNCEMENT AS TO TRADING WITH THE ENEMY
PROCLAMATION.

*Official Announcement in explanation of the Proclamation of August 5th,
1914, (a) against Trading with the Enemy. (b)*

The following Official Announcement was issued by the Treasury last night :—

Some doubts having arisen as to the meaning and application of the Proclamation against trading with the enemy, (a) the Government authorise the following explanation to be published :—

(1) For the purpose of deciding what transactions with foreign traders are permitted, the important thing is to consider where the foreign trader resides and carries on business, and not the nationality of the foreign trader.

(2) Consequently, there is, as a rule, no objection to British firms trading with German or Austrian firms established in neutral or British territory. What is prohibited is trade with any firms established in hostile territory.

(3) If a firm with headquarters in hostile territory has a branch in neutral or British territory, trade with the branch is (apart from prohibitions in special cases) permissible, as long as the trade is *bona fide* with the branch, and no transaction with the head office is involved.

(4) Commercial contracts entered into before War broke out with firms established in hostile territory cannot be performed during the war, and payments under them ought not to be made to such firms during the War. Where, however, nothing remains to be done save to pay for goods already delivered, or for services already rendered, there is no objection to making the payment. Whether contracts entered into before War are suspended or terminated is a question of law which may depend on circumstances, and in case of doubt British firms must consult their own legal advisers.

This explanation is issued in order to promote confidence and certainty in British commercial transactions ; but it must be understood that, in case of need, the Government will still be free to impose stricter regulations or special prohibitions in the national interest.

22nd August, 1914.

“ PRESS NOTE.*

The Government of Bombay have received the following information :—

An official notification of policy regarding trading with the enemy has been published by His Majesty's Government to the following effect :—

N.B.—This Announcement was revoked by the Proclamation of September 9th, vide below.

*Copies of this Press Note were forwarded to all Heads of Offices, all Departments of the Secretariat and Editors of Newspapers by Nov. No. 680-W., Political Department, dated 28th August, 1914.

Firstly, the governing consideration in each case is not the nationality of the foreign trader but where he resides and carries on business.

Secondly, there is in consequence no objection to British firms trading with German or Austrian firms established in neutral or British territory. Prohibition refers to trade with any firms whatever established in hostile territory.

Thirdly, trade with branch in British or neutral territory of firm having headquarters in hostile territory is permissible apart from prohibition in special cases as long as trade is *bona fide* with branch and no transactions with head office is involved.

Fourthly, no payments or other operations with firm in hostile territory are permissible during war under contracts made before war except that there is no objection to payment for goods delivered or services rendered when the contract has been in other respects completed before war. Question whether contracts made before war are suspended or terminated depends on circumstances.

Lastly, Government reserve power of imposing stricter regulations, and the case of Banks is dealt with by *special rules*.

The exact form in which these principles should be applied to Indian conditions is under the consideration of Government."

"PRESS NOTE."

Pending final orders to be passed under the Trading License Ordinance which is referred to in a separate Press Note, the following arrangements are notified for public information :—

- (1) German and Austro-Hungarian subjects are allowed to clear imported goods at the Custom House, Bombay, Karachi and Aden, other than those in captured or detained enemy vessels, and are permitted to dispose of their existing stocks.
- (2) British subjects are allowed to accept delivery of goods from German and Austrian firms and have commercial dealings with them in respect of existing stocks only.
- (3) Banks should not refuse to do business in connection with existing accounts merely because the clients are German or Austrian subjects.

Political Department,
Bombay Castle, 28th August 1914.

L. ROBERTSON,
Secretary to Government.

PROCLAMATION RELATING TO TRADING WITH THE ENEMY,
DATED 8TH OCTOBER 1914.

No. 556-IV., dated the 7th November, 1914.—In modification of the Department of Notification in this Department No. 419-IV.—Commerce and Industry. Commerce and Trade, dated 31st October, 1914, the following Royal Proclamation is republished for general information:—

BY THE KING.

A Proclamation † relating to Trading with the Enemy.*

GEORGE, R. I.

WHEREAS it is desirable to amend OUR Proclamation of the 9th September, 1914, called "The Trading with the Enemy Proclamation, No. 2";

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring and it is hereby declared as follows:—

1. Paragraph 5, heading (6), of the Trading with the Enemy Proclamation, No. 2, is hereby revoked and in lieu thereof the following heading shall be inserted in the said paragraph 5 as from the date hereof:—

"(6) Not to make or enter into any new marine, life, fire or other policy or contract of insurance (including re-insurance) with or for the benefit of an enemy; nor to accept, or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of war; and in particular as regards Treaties or Contracts of re-insurance current at the outbreak of war to which an enemy is a party or in which an enemy is interested not to cede to the enemy or to accept from the enemy under any such Treaty or Contract any risk arising under any policy or contract of insurance (including re-insurance) made or entered into after the outbreak of war, or any share in any such risk."

2. (1) The expression "Order of Council made and published on the recommendation of a Secretary of State" in paragraph 5, heading (10), of the Trading with the Enemy Proclamation, No. 2, shall, as regards persons resident, carrying on business or being in OUR Dominions beyond the Seas, be taken to mean an Order of the Governor in Council published in the Official Gazette.

(2) The expression "Governor in Council" in this paragraph means as respects Canada the Governor General of Canada in Council, as respects India the Governor General of India in Council, as respects Australia the Governor General of Australia in Council, as respects New Zealand the

†For extension to persons of enemy nationality residing in China, Siam, Persia, or Morocco, see the Trading with the Enemy (China, Siam, Persia and Morocco) Proclamation, 1915, dated 25th June 1915, *infra*.

*For interpretation of the word "Enemy", see the Proclamation relating to Trading with the Enemy, dated 14th September, 1914, *infra*.

Governor of New Zealand in Council, as respects the Union of South Africa the Governor General of the Union of South Africa in Council, as respects Newfoundland the Governor of Newfoundland in Council, and as respects any other British Possession the Governor of that Possession in Council.

†3. The power to grant licenses on OUR behalf vested by paragraph 8. of the Trading with the Enemy Proclamation, No. 2, in a Secretary of State may be exercised in Canada, India, Australia and the Union of South Africa by the Governor General, and in any British Possession not included within the limits of Canada, India, Australia or South Africa by the Governor.

4. In this Proclamation the expression "Governor General" includes any person who for the time being has the powers of the Governor General, and the expression, "Governor" includes the Officer for the time being administering the Government.

5. Notwithstanding anything contained in paragraph 6 of the Trading with the Enemy Proclamation, No. 2, where an enemy has a branch locally situated in British, allied, or neutral territory, which carries on the business of insurance or re-insurance of whatever nature, transactions by or with such branch in respect of the business of insurance or re-insurance shall be considered as transactions by or with an enemy.

6. This Proclamation shall be read as one with the Trading with the Enemy Proclamation, No. 2.

Given at OUR Court at Buckingham Palace, this eighth day of October, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

PROCLAMATION DATED 5TH NOVEMBER, 1914, RELATING TO
TURKEY.*

Foreign and No. 843-W., dated the 8th November, 1914.—The
Political following Royal Proclamation is republished for general
Department. information and guidance:—

"The London Gazette," Thursday, 5th November, 1914.

BY THE KING.

A Proclamation extending to the war with Turkey the Proclamations and Orders in Council now in force relating to the war.

GEORGE, R. I.

WHEREAS owing to hostile acts committed by Turkish Forces under German Officers, a state of war now exists between Us and the Sultan of Turkey:

And whereas on the 4th day of August, 1914, a state of war came into existence between Us and the German Emperor:

†For Notifications granting licenses under paragraph 3—See Commerce and Industry Department Notifications Nos. 1428-W., dated 12th December, 1914, and 149, dated 9th January, 1915 (Part VII).

*Published in Gazette of India, 1914, Part I, page 1910; See also Bom. G. G., 8th Nov. 1914, Part I, p. 2667.

And whereas WE did on the same date and on certain other dates subsequent thereto issue certain Proclamations and Orders in Council connected with such state of war ;

And whereas on the 12th day of August, 1914, a state of war came into existence between Us and the Emperor of Austria, King of Hungary :

And whereas certain of the aforesaid Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Emperor of Austria, King of Hungary ;

And whereas it is desirable now to provide for the state of war between Us and the Sultan of Turkey :

And whereas the Convention relating to the status of enemy merchant vessels at the outbreak of hostilities, signed at the Hague on the 18th October, 1907, has not been ratified by the Sultan of Turkey, and therefore WE do not think fit to extend to Turkish ships the Order in Council issued on the 4th day of August, 1914, with reference to the departure from OUR ports of enemy vessels, which at the outbreak of hostilities were in any such port or which subsequently entered the same :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The Proclamations and Orders in Council issued with reference to the state war between Us and the German Emperor, or with reference to the state of war between Us and the German Emperor and the Emperor of Austria, King of Hungary, other than the Order in Council issued on the 4th August, 1914, with reference to the departure from OUR ports of enemy vessels, which at the outbreak of hostilities were in any such port, or which subsequently entered the same, shall, if still in force, apply to the state of war between Us and the Sultan of Turkey as from this 5th day of November, 1914.
2. The Proclamation issued on the 5th day of August, 1914, warning all OUR subjects, and all persons resident or being in OUR dominions, from contributing to or participating in, or assisting in the floating of, any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this 5th day of November, 1914, to apply to all loans raised on behalf of or contracts or dealings entered into with, or to aiding, abetting, or assisting the Ottoman Government.
3. The words " enemy country " in any of the Proclamations or Orders in Council referred to in Article 1 of this Proclamation shall include the Dominions of His Imperial Majesty the Sultan of Turkey other than Egypt, Cyprus, and any territory in the occupation of Us or OUR Allies.

Given at OUR Court at Buckingham Palace, this fifth day of November, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

PROCLAMATION, DATED 26TH OCTOBER, 1914, RELATING TO
TRADING WITH THE ENEMY.*

No. 1682-W., dated the 12th December, 1914.—In supersession of the Department of Notification in this Department, No. 420-W.,—Commerce and Trade, dated the 31st October, 1914, the following Industry. Royal Proclamation is published for general information:—

BY THE KING.

A Proclamation extending the Prohibitions contained in the Proclamation of the 9th September, 1914, relating to Trading with the Enemy. GEORGE, R. I.

WHEREAS by OUR Proclamation, dated the 9th day of September 1914, called the Trading with the Enemy Proclamation, No. 2, certain prohibitions, as therein more specifically set forth, were imposed upon all persons therein referred to :

And whereas by OUR Proclamation, dated the 30th day of September, 1914, the prohibitions contained in the Trading with the Enemy Proclamation, No. 2, were extended, and the importation of sugar was prohibited as therein more specifically set forth :

And whereas by OUR Proclamation, dated the 8th day of October, 1914, OUR Proclamation of the 9th September, 1914, called the Trading with the Enemy Proclamation, No. 2, was amended as therein more specifically set forth :

And whereas it is desirable to revoke OUR Proclamation dated the 30th day of September, 1914 :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The aforesaid Proclamation of the 30th day of September is hereby as from the date hereof revoked, and from and after the date hereof this present Proclamation is substituted therefor.

2. The importation into the United Kingdom of all sugar is hereby prohibited, provided that the foregoing prohibition shall not extend to sugar (not being raw or refined sugar made or produced by an enemy or in an enemy country, or refined sugar made or produced from raw sugar made or produced by an enemy or in an enemy country)—

(a) cleared from the port of shipment to this country on or before the 26th October, 1914 ;

(b) imported under contract made prior to the 4th August, 1914.

*Published in Gazette of India, 1914, Part I, p. 2070.
See also Bom. G. G., Part I, p. 3029.

3 Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by OUR license, or by the license given on OUR behalf by a Secretary of State or the Board of Trade, whether such license be granted especially to individuals or be announced as applying to classes of persons.

4. The words "enemy" and "enemy country" and "person" shall have the same meaning in this OUR Proclamation as in OUR said Proclamation of the 9th day of September 1914.

Given at OUR Court at Buckingham Palace, this twenty-sixth day of October, in the year of Our Lord, one thousand nine hundred and fourteen, and in the fifth year of OUR Reign.

GOD SAVE THE KING.

PRESS NOTE.

The following notice issued by the Board of Trade is circulated for general information :—

DIVIDEND RESTRICTIONS.

Official Notice to Joint Stock Companies.

The Board of Trade warns all Joint Stock Companies and their officers that—

(1) no dividends or interest declared or becoming due after the outbreak of war should be paid during the war to, or in accordance with instructions from, any person resident in enemy territory. Such dividends or interest should be paid into a separate account at a bank to be disposed of after the conclusion of the war ;

(2) no transfer of any shares or debentures from any person resident in enemy territory should be registered during the war.

No. 12229 of 1914.

REVENUE DEPARTMENT.

Bombay Castle, 9th December 1914.

Forwarded to —

The Commissioner in Sind (with a request that he may cause the Press Note to be translated into Sindhi and printed copies of the translation distributed to Editors of Sindhi Newspapers in Sind),

The Editors' Tables and the Editors of Newspapers,
All Registered Libraries,

The Oriental Translator to Government (with a request that the Press Note may be translated into the three vernaculars and that copies of the translations may be distributed to all Editors of vernacular newspapers in the Presidency proper including the Town and Island of Bombay),

The Manager, Government Central Press,

The Political Agent, Sávantrádi,

The Non-official Members of the Legislative Council,

The Remembrancer of Legal Affairs,
 The Registrar, Joint Stock Companies (with reference to his letter No. 1798, dated 30th September 1914),
 The Separate Department of the Secretariat (for the Reading Room for the Members of the Legislative Council),
 The Political Department of the Secretariat (with reference to their memorandum No. S.D.—1540, dated 14th November 1914),
 A.M. Green, Esq., I.C.S.

C. W. A. TURNER,
Under Secretary to Government.

Bombay Castle, 15th December 1914.

*No 12523.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“COMMERCE AND TRADE.

No. 1428-W., dated Delhi, the 12th December 1914.

WHEREAS by paragraph 5 (1) of Trading with the Enemy Proclamation No. II of 9th September 1914 as amended and extended by Proclamation dated the 5th of November 1914, payment of any sum of money to or for the benefit of persons or a body of persons resident in the territories of the German Empire or in the Dual Monarchy of Austria-Hungary or in the respective colonies and dependencies thereof or in the territories of the Sultan of Turkey other than Egypt, or any territory in the occupation of the British Government or its colonies, in this license and in the said Proclamations referred to as ‘enemy country’ is prohibited; and

Whereas, by paragraph 8 of the said Proclamation it is provided that nothing in the Proclamation shall be taken to prohibit anything which shall be expressly permitted by license, whether such license be granted to individuals or be announced as applying to persons; and

Whereas, by paragraph 3 of Proclamation dated 8th October 1914, power to grant such licenses on behalf of the Crown may be exercised in India by the Governor General;

Now, THEREFORE, I, CHARLES, Baron Hardinge of Penshurst, hereby authorise all British subjects residing, being, or carrying on business in British India to make payments for the purpose of obtaining possession of their cargoes in neutral ports to the agents of shipowners resident in an enemy country.

HARDINGE OF PENSHURST,

Viceroy and Governor General.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India.”

*Published in Bom. G. G., Dec. 17th, 1914. Part I, p. 3034.

N.B.—This can be compared with a similar license of the Board of Trade, dated 25th Sept. 1914, issued in England.

Bombay Castle, 11th January 1915.

*No. 339.—The following Notification by the Government of India Commerce and Industry Department, is republished :—

“ PATENTS AND DESIGNS.

No. 149, dated Delhi, the 9th January 1915.

Whereas by paragraph 5 (1) of Trading with the Enemy Proclamation No. II of 9th September 1914, as amended and extended by Proclamation dated the 5th of November 1914, payment of any sum of money to or for the benefit of persons or a body of persons resident in the territories of the German Empire or in the Dual Monarchy of Austria-Hungary or in the respective colonies and dependencies thereof or in the territories of the Sultan of Turkey other than any territory in the occupation of the British Government or its colonies, in this license and in the said Proclamations referred to as ‘ enemy country ’ is prohibited ; and

Whereas, by paragraph 8 of the said Proclamation it is provided that nothing in the Proclamation shall be taken to prohibit anything which shall be expressly permitted by license, whether such license be granted to individuals or be announced as applying to persons ; and

Whereas, by paragraph 3 of Proclamation dated 8th October 1914, power to grant such licenses on behalf of the Crown may be exercised in India by the Governor General ;

Now, therefore, I, Charles, Baron Hardinge of Penshurst, hereby authorise all persons residing, being, or carrying on business in British India to pay any fees necessary for obtaining the grant, or for obtaining the renewal, of patents, or for obtaining the registration of trade marks or designs, or the renewal of such registration, in an ‘ enemy country ’ ;

And also to pay on behalf of an ‘ enemy ’ any fees payable in British India on application for, or renewal of, the grant of a patent, or in application for the registration of designs or the renewal of such registration.

HARDINGE OF PENSHURST,

Viceroy and Governor General.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India.”

By Order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,

Chief Secretary to Government.

*Published in Bom. G. G., Jan. 14th, 1915, Part I, p. 47. This license follows closely the language of the Board of Trade License of the 23rd September 1914 on the same subject (vide Emergency Legislation Manual, 1914).

TREASURY EXPLANATORY STATEMENT, APPEARING IN THE
PRESS, THURSDAY, FEBRUARY 4TH, 1915, WITH REGARD
TO BANKING TRANSACTIONS WITH BRANCHES
OF ENEMY FIRMS, Etc.†

As some misunderstanding has arisen with regard to the Proclamation of the 7th January relating to Trading with the Enemy, it may be as well to explain that it was not intended nor is it proposed, to interfere by this Proclamation with *bonâ fide* commercial transactions simply on the ground that they may involve some financial operation which technically comes within the meaning of the words "banking business," if that operation is merely incidental to the transaction, and does not affect the general character of the transaction, as a commercial (distinguished from a banking) transaction.

Nor was it intended, nor is it proposed, to interfere by this Proclamation with transactions of British Banks or their branches with firms which do not do banking business or which, in carrying out the special transaction, are acting in the ordinary way of commerce, and not in any way as bankers, so long as those transactions are permissible independently of the Proclamation.

Licenses will also be granted in proper cases to British banking firms having branches in neutral countries, not being neutral countries in Europe, enabling them to continue their banking business notwithstanding that the business, by bringing them into contact at some point or another with branches of enemy banks, may technically be within the Proclamation.

TREASURY CHAMBERS, WHITEHALL, S.W.

3rd February, 1915.

THE TRADING WITH THE ENEMY (OCCUPIED TERRITORY)
PROCLAMATION, 1915, DATED 16TH FEBRUARY, 1915.‡

Department of No. 2987-W., dated the 27th March, 1915.—The following
Commerce and Royal Proclamation is published for general informa-
Industry. tion :—

BY THE KING.

A Proclamation* relating to Trading with the Enemy§ (Occupied Territory).

GEORGE, R. I.

WHEREAS, as a result of the present war, certain territory forming part of the territory of an enemy country, is or may be in the effective military occupation of Us or Our Allies, or of a Neutral State (in this Proclamation referred to as "territory in friendly occupation"), and certain territory

†Vide Supplement No. 3 to the Manual of Emergency Legislation, pp. 545-547

‡Published in Gazette of India, 1915, Part I, p. 479. See also Bom. G. G., Part I.

*For extension of this Proclamation to persons of enemy nationality residing in China, Siam, Persia or Morocco, see the Trading with the Enemy (China, Siam, Persia and Morocco) Proclamation, 1915, *infra*.

§ For interpretation of the word "Enemy", see the Proclamation relating to Trading with the Enemy, dated 14th September 1915, *infra*.

forming part of OUR territory or of that of an allied or neutral State, is or may be in the effective military occupation of an enemy (in this Proclamation referred to as "territory in hostile occupation.");

And whereas it is expedient in OUR interest and in that of OUR Allies that the Proclamations relating to trading with the enemy should apply to territory in friendly occupation as they apply to OUR territory or that of OUR Allies, and should apply to territory in hostile occupation as they apply to an enemy country:

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows:—

1. The Proclamation for the time being in force relating to trading with the enemy shall apply to territory in friendly occupation as they apply to OUR territory or that of OUR Allies, and to territory in hostile occupation as they apply to an enemy country.

2. Any references to the outbreak of the war in any Proclamation so applied shall, as respects territory in friendly or hostile occupation, be construed as references to the time at which the territory so became in friendly or hostile occupation.

3. The certificate of any person authorised by a Secretary of State to give such certificates that any territory is in friendly or hostile occupation within the meaning of this Proclamation, or as to the time at which any territory so became or ceased to be territory in friendly or hostile occupation, shall, for the purposes of this Proclamation, be final and conclusive.

4. Nothing in this Proclamation shall be taken to prohibit anything which may be expressly permitted by OUR license or by a license given on OUR behalf by a Secretary of State, or the Board of Trade, or the Lords Commissioners of OUR Treasury, whether such licenses be specially granted to individuals or be announced as applying to classes of persons, or to prohibit any special arrangements which may be made by any such license or otherwise with OUR authority for special treatment of any occupied territory or persons in any such occupied territory entitled to such special treatment.

5. This Proclamation shall be called the Trading with the Enemy (Occupied Territory) Proclamation, 1915.

Given at OUR Court at Buckingham Palace, this sixteenth day of February, in the year of Our Lord, one thousand nine hundred and fifteen and in the fifth year of Our Reign.

GOD SAVE THE KING.

NOTIFICATION UNDER THE INDIAN PATENTS AND DESIGNS (TEMPORARY RULES) ACT 1915 (VI OF 1915).

THE INDIAN PATENTS AND DESIGNS (TEMPORARY) RULES, 1915.

No. 5073-9, dated the 1st May, 1915.—In exercise of the power conferred by sections 3 and 4 of the Indian Patents and Designs Department of Commerce and Industry. (Temporary Rules) Act, 1915, the Governor General in Council is pleased to make the following rules:—

See Gazette of India, 1915, Part I, page 479.

1. These rules may be called the Indian Patents and Designs (Temporary) Rules, 1915.

2. The Controller of Patents and Designs may, on the application of any person, and subject to such terms and conditions, if any, as he thinks fit, order the avoidance or suspension, in whole or in part, of any patent or license and of the registration of any design, and of all or any right in a registered design the person entitled to the benefit of which is a subject of any State at war with His Majesty, and the Controller before granting any such application may require to be satisfied:—

- (a) that the person entitled to such benefit is the subject of a State at war with His Majesty ;
- (b) that the person applying intends to manufacture or cause to be manufactured, the patented article ; or to carry on, or cause to be carried on, the patented process ; or to manufacture, or cause to be manufactured, the goods, or any of them, in respect of which the design is registered ;
- (c) that it is in the general interest of the country, or of a section of the community, or of a trade, that such avoidance or suspension should be ordered.

3. The fee to be paid on any such application shall be Rs. 20.

4. The application shall be filed with the Controller of Patents and Designs, who shall notify any person whose name appears on the Registers of Patents or Designs as having an interest and shall appoint a date for hearing the application. The application and the date of the hearing shall be notified in the Gazette of India. The applicant shall produce evidence at the hearing to satisfy the Controller in respect of (a), (b) and (c) of Rule 2 and that he himself is not a subject of any State at war with His Majesty. The patentee, or proprietor of the design, or anyone interested, may appear at the hearing in opposition to the applications provided that notice of his intention is given to the Controller at the Patent Office before the date of hearing.

5. In any case in which the Controller makes an Order under these rules avoiding or suspending, in whole or in part, a patent, or license, or avoiding or suspending the registration, and all or any rights conferred by the registration, of any design, the Controller may in his discretion grant in favour of any person or persons other than the subject of any State at war with His Majesty, licenses to make, sell or use the patented invention or registered design so avoided or suspended, upon such terms and conditions, and either for the whole term of the patent or registration of the design, or for such less period, as the Controller may think fit.

6. The decision of the Controller shall be subject to appeal to the Governor General in Council.

7. The Governor General in Council may at any time, in his absolute discretion, revoke or vary any avoidance or suspension or license ordered under these rules.

8. The Controller may avoid or suspend any proceedings on any application made under the Indian Patents and Designs Act, 1911, by a subject of any State at war with His Majesty.

9. The Controller may extend any time prescribed by the Indian Patents and Designs Act, 1911, for doing any act or filing any document upon such terms and subject to such conditions as he may think fit—

- (a) where it is shown to his satisfaction that the applicant, patentee or proprietor, as the case may be, was prevented from doing the said act or filing the said document, by reason of active service or enforced absence from this country, or any other circumstances arising from the present state of war, which, in the opinion of the Controller, would justify such extension ;
- (b) where the doing of any act would, by reason of the circumstances arising from the present state of war, be prejudicial or injurious to the rights or interests of any applicant, patentee or proprietor, as aforesaid.

10. Save as otherwise provided in these rules the procedure prescribed by the Indian Patents and Designs Act, 1911, and the rules made thereunder shall, so far as the same can be made applicable, apply to all proceedings taken under these rules.

11. These rules shall apply to any exclusive privilege acquired under the Inventions and Designs Act, 1888, as if such exclusive privilege had been a patent granted under the Indian Patents and Designs Act, 1911.

THE TRADING WITH THE ENEMY (CHINA, SIAM, PERSIA AND MOROCCO) PROCLAMATION, 1915, DATED 25TH JUNE, 1915.

Department of Commerce and Industry. Commerce and Trade. No. 12221-W., dated the 24th July, 1915.—The following Royal Proclamation is published for general information :—

BY THE KING.

A Proclamation relating to Trading with Persons of Enemy Nationality Resident or Carrying on Business in China, Siam, Persia, or Morocco.

GEORGE, R. I.

WHEREAS it is expedient that transactions between British subjects and persons of enemy nationality resident or carrying on business in China, Siam, Persia, or Morocco should be restricted in manner provided by this Proclamation :

NOW, THEREFORE, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared as follows :—

1. The Proclamations for the time being in force relating to Trading with the Enemy shall, as from the twenty-sixth day of July, nineteen hundred

and fifteen, apply to any person or body of persons of enemy nationality resident or carrying on business in China, Siam, Persia, or Morocco in the same manner as they apply to persons or bodies of persons resident or carrying on business in an enemy country :

Provided that where an enemy has a branch locally situated in China, Siam, Persia, or Morocco, nothing in Article 6 of the Trading with the Enemy Proclamation No. 2 shall be construed so as to prevent transactions by or with that branch being treated as transaction by or with an enemy.

2. Nothing in this Proclamation shall be taken to prohibit anything which may be specially permitted by OUR license or by a license given on OUR behalf by a Secretary of State or the Board of Trade or the Lords Commissioners of OUR Treasury.

3. This Proclamation shall be called the Trading with the Enemy (China, Siam, Persia, and Morocco) Proclamation, 1915.

Given at OUR Court at Buckingham Palace, this twenty-fifth day of June, in the year of Our Lord, one thousand nine hundred and fifteen, and in the sixth year of OUR Reign.

GOD SAVE THE KING.

See Gazette of India, 1915, Part I, page 649.

PROCLAMATION RELATING TO TRADING WITH THE ENEMY,
DATED 14TH SEPTEMBER, 1915.

†No. 10853.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

*No. 15677-W., dated Simla, the 9th October 1915.

The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

Relating to Trading with the Enemy.

GEORGE, R.I.

WHEREAS doubts have arisen as respects the position under the Proclamations for the time being in force relating to Trading with the Enemy of incorporated companies or bodies of persons which, though not incorporated in any enemy country or in territory in hostile occupation, carry on business in any such country or territory :

And whereas it is expedient that the position of those companies or bodies for the purposes of those Proclamations should be defined :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

For the purposes of the Proclamations for the time being in force relating to Trading with the Enemy, the expression ‘ enemy,’ notwithstanding anything in the said Proclamations, is hereby declared

†Published in Bom. G. G., Oct. 14th, 1915, Part I, p. 2468,

* See Gazette of India, 1915, Part I, pp. 1894-95.

to include, and to have included, any incorporated company or body of persons (wherever incorporated) carrying on business in an enemy country or in any territory for the time being in hostile occupation.

Given at OUR Court at Buckingham Palace, this fourteenth day of September, in the year of Our Lord One thousand nine hundred and fifteen, and in the Sixth Year of OUR Reign.

GOD SAVE THE KING.

(Signed) C. E. Low,
Secretary to the Government of India."

ORDER UNDER THE ENEMY TRADING.

ACT, 1915 (XIV OF 1915).

No. 15956-W., dated the 16th October, 1915.—In pursuance of section 14 (1) of the Enemy Trading Act, 1915 (XIV of 1915), the Governor General in Council is pleased to make and issue the following order:—

No person shall pay to any subject of the German Empire or of the Dual Monarchy of Austria-Hungary, who is about to be repatriated, a sum of money on any account whatsoever in excess of fifteen hundred rupees.

See Gazette of India, 1915, Part I, page 1915.

*No. 8133.—The following Notification by the Government of India, Department of Commerce and Industry, is republished:—

"PATENTS AND DESIGNS.

No. 15757-22, dated Simla, the 16th October 1915.

In exercise of the powers conferred by section 77 (1) of the Indian Patents and Designs Act, 1911 (II of 1911), the Governor General in Council is pleased to make the following amendments to the Indian Patents and Designs Rules, 1912.

Amendments.

- (1) For clause (2) of rule 4 of the said rules the following shall be substituted:—

'(2) Fees may be paid in cash at the office, or may be sent by money order or postal order or cheque payable to the Controller at Calcutta. Cheques not carrying the correct addition for commission, and other cheques on which the full value cannot be collected in cash within the time allowed for payment of the fee, will only be accepted at the discretion of the Controller. Stamps will not be received in payment of fees.'

- (2) The following clause shall be added to rule 12 of the said rules:—

'(4) When a specification comprises more than one invention, and it is considered by the Controller or the applicant that the application should be restricted to one in-

vention, the additional inventions may be made the subject-matter of additional applications. Any such applications, if made before the acceptance of the original application, shall, on the request of the applicant, bear date of the original application and shall be proceeded with as substantive applications of that date.'

- (3) In form 16 appended to the said rules the words 'two copies of the design are attached' shall be omitted.
- (4) In form 18 appended to the said rules the words 'in British India' occurring after the words 'Address for Service' shall be omitted.

(Signed) C. E. Low,

Secretary to the Government of India."

PROCLAMATION, DATED 16TH OCTOBER, 1915, RELATING TO BULGARIA.

No. 2226-W., dated the 19th November, 1915.—The following Royal Proclamation published in the London Gazette, dated the 16th October, 1915, is republished for general information and guidance :—

BY THE KING.

A Proclamation extending to the war with Bulgaria the Proclamations and Orders in Council now in force relating to the war.

GEORGE, R. I.

Whereas, owing to the King of the Bulgarians, an Ally of the Central Powers, being now in a state of war with the King of Serbia, Our Ally, a state of war now exists between Us and the King of the Bulgarians ;

And whereas on the 4th day of August, 1914, a state of war came into existence between Us and the German Emperor ;

And whereas WE did on the same date and on certain other dates subsequent thereto issue certain Proclamations and Orders in Council connected with such state of war :

And whereas, on the 12th day of August, 1914, a state of war came into existence between Us and the Emperor of Austria, King of Hungary :

And whereas certain of the aforesaid Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Emperor of Austria, King of Hungary ;

And whereas on the 5th day of November, 1914, a state of war came into existence between Us and the Sultan of Turkey ;

And whereas certain of the aforesaid Proclamations and Orders in Council have since been extended so as to cover the state of war between Us and the Sultan of Turkey ;

And whereas WE have since the said 5th day of November, 1914, issued certain other Proclamations and Orders in Council with reference to the state of war between Us and the German Emperor, the Emperor of Austria, King of Hungary, and the Sultan of Turkey ;

And whereas it is desirable now to provide for the state of war between Us and the King of the Bulgarians ;

And whereas the Convention relating to the status of enemy merchant vessels at the outbreak of hostilities, signed at the Hague on the 18th day of October, 1907, has not been ratified by the King of the Bulgarians, and therefore WE do not think fit to extend to Bulgarian ships the Order in Council issued on the 4th day of August, 1914, with reference to the departure from OUR ports of enemy vessels, which at the outbreak of hostilities were in any such port or which subsequently entered the same ;

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation declaring, and it is hereby declared, as follows :—

1. The Proclamations and Orders in Council issued with reference to the state of war between Us and the German Emperor, or with reference to the state of war between Us and the German Emperor and the Emperor of Austria, King of Hungary, or with reference to the state of war between Us and the German Emperor, the Emperor of Austria, King of Hungary, and the Sultan of Turkey, other than the Order in Council issued on the 4th day of August, 1914, with reference to the departure from OUR ports of enemy vessels, which at the outbreak of hostilities were in any such ports, or which subsequently entered the same, shall, if still in force, apply to the state of war between Us and the King of the Bulgarians as from this 16th day of October, 1915.

2. The Proclamation issued on the 5th day of August, 1914, warning all OUR subjects, and all persons resident or being in OUR Dominions, from contributing to or participating in, or assisting in the floating of, any loan raised on behalf of the German Government, or from advancing money to or entering into any contract or dealings whatsoever with the said Government, or otherwise aiding, abetting, or assisting the said Government, shall be deemed as from this 16th day of October, 1915, to apply to all loans raised on behalf of, or contracts or dealings entered into with, or to aiding, abetting or assisting the Bulgarian Government.

3. The words " enemy country " in any of the Proclamations or Orders in Council referred to in Article 1 of this Proclamation shall include the Dominions of the King of the Bulgarians, and the words " persons of enemy nationality " in any of the said Proclamations or Orders in Council shall include subjects of the King of the Bulgarians.

Given at OUR Court at Buckingham Palace, this sixteenth day of October, in the year of Our Lord one thousand nine hundred and fifteen, and in the sixth year of OUR Reign.

GOD SAVE THE KING.

Bombay Castle, 6th December 1915.

*No. 13043.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 681-IV., dated Delhi, the 4th December 1915.

Whereas, by paragraph 5 of the Trading with the Enemy Proclamation,** No. 2, dated 9th September 1914, as amended and extended by the Proclamation† dated the 5th November 1914 and by the Proclamation‡ dated 16th October 1915, trade and financial or commercial transactions between British subjects and persons or bodies of persons resident in the territories of the German Empire or in the Dual Monarchy of Austria-Hungary or in the respective colonies and dependencies thereof, or in the territories of the Sultan of Turkey (other than Egypt, or any territory in the occupation of the British Government or its Allies), or in the territories of the King of the Bulgarians in this license and in the said Proclamations referred to as ‘ enemy country ’ are prohibited ; and

Whereas by paragraph 1 of Trading with the Enemy (China, Siam, Persia and Morocco) Proclamation§ 1915, it is provided that the said Proclamations shall apply to persons or bodies of persons of enemy nationality resident or carrying on business in China, Siam, Persia or Morocco, in the same manner as they apply to persons or bodies of persons resident or carrying on business in an enemy country ; and, by paragraph 2 of the said Proclamation, it is provided that nothing in the Proclamation shall be taken to prohibit anything which may be specially permitted by license granted by or on behalf of the Crown ; and

Whereas, by paragraph 3 of Proclamation¶ dated 8th October 1914, power to grant such licenses on behalf of the Crown may be exercised in India by the Governor General :

Now, therefore, I, Charles, Baron Hardinge of Penshurst, hereby authorize all British subjects residing, being or carrying on business in British India, to trade or carry on business with the persons or bodies of persons of enemy nationality resident or carrying on business in Persia who are named in the schedule hereto attached, and with such other persons or bodies of persons so resident as may hereafter be declared by a notification of the

*Published in Bom. G. G., Dec. 9th, 1915, Part I, p. 2954.

**Republished at pages 2837 @ 2839 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

†Republished @ pages 2667-2668 of the Bom. G. G. Extraordinary, Part I, dated 9th November 1914.

‡Republished at pages 2827-2828 of the Bom. G. G., Part I, dated 25th, November 1915.

§Republished at page 1957 of the Bom. G. G., Part I, dated 29th July, 1915.

¶Republished at pages 2839-2840 of the Bom. G. G. Extraordinary, Part I, dated 20th November 1914.

Governor General in Council in the *Gazette of India* to be well disposed towards the British Government.

2. This license may be cited as the Trading license (*Persia*), 1915.

HARDINGE OF PENSHURST,

Viceroy and Governor General.

SCHEDULE.

Place.	Name.	Remarks.
Bushire ..	Shahl Murad Hyem and Company	
Mohammerah ..	Hiskil Nikail	
	Huskiel Habboob	
	Shawool Dawood	
	Uzair Mooshi	
	Dawood Khabbazeh.	
	Hoogi Saleh.	
	Doodi Saleh.	
	Khazzuri Yusuf.	
	Uzair Abdullah.	
	Uzra Dabi.	
	Munashshi Saleh Anbarchi ..	Agent of Messrs. Sassoon..
	Maroodi Dawood ..	} Sons of Hagooli and carrying on business as one Company.
	Hiskil Shameh ..	
	Hagooli Rabi ..	
	Dawood Hiskil ..	
	Uzra Rabi ..	

(Signed) C. E. Low,

Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,

Chief Secretary to Government.

NOTIFICATION.

POLITICAL DEPARTMENT.

Bombay Castle, 9th August 1914.

*No. 78-W.,—With reference to Government Notification, Political Department, dated the 6th August 1914, republishing Order in Council provisionally granting days of grace, it is hereby notified that His Majesty's Government have decided not to grant days of grace but to detain permanently enemy merchant vessels which are in British Ports or which enter British Ports.

By order of His Excellency the Right Honourable the Governor in Council,

L. ROBERTSON,

Secretary to Government.

*No. 4114.—The following Patents and Designs (Temporary) Rules, 1915, are republished :—

“ THE PATENT OFFICE.

PATENTS AND DESIGNS.

Calcutta, the 15th May 1915.

INDIAN PATENTS AND DESIGNS (TEMPORARY) RULES, 1915.

In exercise of the powers conferred by sections 3 and 4 of the Indian Patents and Designs (Temporary Rules) Act, 1915, the Governor General in Council is pleased to make the following rules :—

1. These rules may be called the Indian Patents and Designs (Temporary) Rules, 1915.*

2. The Controller of Patents and Designs may, on the application of any person, and subject to such terms and conditions, if any, as he thinks fit, order the avoidance or suspension, in whole or in part, of any patent or license and of the registration of any design, and of all or any right in a registered design, the person entitled to the benefit of which is a subject of any State at war with His Majesty, and the Controller before granting any such application may require to be satisfied—

- (a) that the person entitled to such benefit is the subject of a State at war with His Majesty ;
- (b) that the person applying intends to manufacture, or cause to be manufactured the patented article ; or to carry on, or cause to be carried on, the patented process ; or to manufacture, or cause to be manufactured, the goods or any of them, in respect of which the design is registered ;
- (c) that it is in the general interest of the country, or of a section of the community, or of a trade, that such avoidance or suspension should be ordered.

3. The fee to be paid on any such application shall be Rs. 20.

4. The application shall be filed with the Controller of Patents and Designs, who shall notify any person whose name appears on the Registers of Patents or Designs as having an interest and shall appoint a date for hearing the application. The application and the date of the hearing shall be notified in the *Gazette of India*. The applicant shall produce evidence at the hearing to satisfy the Controller in respect of (a), (b) and (c) of Rule 2 and that he himself is not a subject of any State at war with His Majesty. The patentee, or proprietor of the design, or any one interested, may appear at the hearing in opposition to the application, provided that the notice of his intention is given to the Controller at the Patent Office before the date of hearing.

5. In any case in which the Controller makes an Order under these rules avoiding or suspending in whole or in part, a patent or license, or avoiding or suspending the registration, and all or any rights conferred by the registration, of any design, the Controller may in his discretion grant in favour of any person or persons other than the subject of any State at war with His Majesty.

*Published in Bom. G. G., May 20th, 1915, Part I, p. 1364.

licenses to make, sell or use, the patented invention or registered design so avoided or suspended, upon such terms and conditions, and either for the whole term of the patent or registration of the design, or for such less period, as the Controller may think fit.

6. The decision of the Controller shall be subject to appeal to the Governor General in Council.

7. The Governor General in Council may at any time, in his absolute discretion, revoke or vary any avoidance or suspension or license ordered under these rules.

8. The Controller may avoid or suspend any proceedings on any application made under the Indian Patents and Designs Act, 1911, by a subject of any State at war with His Majesty.

9. The Controller may extend any time prescribed by the Indian Patents and Designs Act, 1911, for doing any act or filing any document upon such terms and subject to such conditions as he may think fit—

- (a) where it is shown to his satisfaction that the applicant, patentee or proprietor, as the case may be, was prevented from doing the said act or filing the said document, by reason of active service or enforced absence from this country, or any other circumstances arising from the present state of war, which, in the opinion of the Controller, would justify such extension ;
- (b) where the doing of any act would, by reason of the circumstances arising from the present state of war, be prejudicial or injurious to the rights or interests of any applicant, patentee or proprietor, as aforesaid.

10. Save as otherwise provided in these rules, the procedure prescribed by the Indian Patents and Designs Act, 1911, and the rules made thereunder shall, so far as the same can be made applicable, apply to all proceedings taken under these rules.

11. These rules shall apply to any exclusive privilege acquired under the Inventions and Designs Act, 1888, as if such exclusive privilege had been a patent granted under the Indian Patents and Designs Act, 1911.

APPENDIX V.

(Vide Pages 131—139, ante).

CONTAINING

THE HOSTILE FOREIGNERS (TRADING) ORDER

AND

VARIOUS NOTIFICATIONS PASSED
THEREUNDER.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCE AND TRADE.

*No. 807-W., dated the 14th November, 1914.—In pursuance of the Foreigners Ordinance, 1914, (III of 1914), as amended by the Foreigners (Amendment) Ordinance VII of 1914 and by the Foreigners (Further Amendment) Ordinance VIII of 1914, the Governor General in Council is pleased to make and issue the following Order.

Short title. 1. This Order may be called the Hostile Foreigners (Trading) Order.

Definitions. 2. In this Order—

(a) "hostile foreigner" means any subject of the German Empire, of the Dual Monarchy of Austria-Hungary, or of the Ottoman Empire (other than an Egyptian subject);

(b) "hostile firm" means any company, firm or association or body of individuals, whether incorporated or not, of which any member or officer is a hostile foreigner or of which a hostile foreigner was a member or officer on the 3rd of day of August, 1914, and which has an office, agency, or place of business in British India.

3. For the purpose of ascertaining whether any company, firm, association or body of individuals, whether incorporated or not, is a hostile firm, any person empowered in that behalf by the Local Government may inspect all books or documents belonging to or under the control of that company, firm, association or body of individuals, and may require any person able to give any information with respect to the business or trade of the same to give that information.

4. (1) A hostile foreigner shall not, neither shall a hostile firm, carry on or engage in any trade or business in British India except under a license (either specially granted to individuals or announced as applying to classes of persons) issued by or under the authority of the Governor General in Council and to such extent and subject to such conditions, restrictions and supervision as the Governor General in Council may therein direct.

(2) The Governor General in Council may at any time revoke any license granted under sub-clause (1) or alter or add to the conditions, restrictions or supervision imposed thereunder.

*Vide Gazette of India Extraordinary, 14th Nov. 1914, Part I, p. 1915, and Bom. G. G. Extraordinary, Nov. 16th, 1914, Part I, p. 2720.

Extended to Berar, vide Notification No. 999 D., 22nd Feb. 1915; vide Gazette of India, Part I, p. 346 and post.

5. (1) Every application for the grant of an individual license to Application for a hostile foreigner or hostile firm shall be in the form license. prescribed in Schedule A or as near thereto as may be, and shall be submitted to the Government of India through the Local Government within whose jurisdiction the applicant's principal place of business in British India is situate.

(2) An application on behalf of a hostile foreigner or hostile firm not resident or located in British India shall be signed by a manager or other agent resident in British India.

Consequences of failure to obtain a license. 6. (1) A hostile foreigner who, or a hostile firm, which—

(i) has been refused a license to carry on or engage in trade or business ; or

(ii) has failed to apply within one month from the date of this order for such a license ;

shall (unless exempted by the terms of any general license issued under this Order) forthwith cease to carry on or engage in any trade or business in British India.

(2) The Local Government may, by notification in the local official Gazette, declare that any hostile foreigner or hostile firm has been refused, or has failed to apply for, a license under this Order, and thereafter no person in British India shall carry on or engage in any trade or business with such foreigner or firm.

(3) The Local Government may also direct that any such foreigner or firm shall deposit all the assets of his or its trade or business with such person as the Local Government may, by general or special order, appoint to receive the same.

(4) All assets transferred in compliance with an order under sub-clause (3) shall be dealt with in such manner as the Local Government may, from time to time, by general or special order direct.

*(5) *Explanation.*—Any reference in this clause to a license which has been refused includes a reference to a license which has been revoked or which has otherwise become imperative.

7. The Local Government, or any officer empowered by the Local Enforcement of Government in this behalf, may, for the purpose of enforcing the provisions of clause 6, by order in writing, authorize any police-officer not below the rank of sub-inspector to enter, if necessary by force, and to search or occupy any premises in which any hostile foreigner or hostile firm within the scope of that clause has been or is carrying on or engaging in any trade or business.

*No. 11629.—In exercise of the powers conferred by clauses 3, 6 and 7 of the Hostile Foreigners (Trading) Order issued by the Governor General in Council on the fourteenth day of November, 1914, in pursuance of the Foreigners Ordinance, 1914, (III of 1914), as amended by Ordinances VII and VIII of 1914, the Governor in Council is pleased to empower Mr. G. S. Hardy, I.C.S., Controller of Hostile Trading Concerns :—

- (1) To exercise the powers specified in clause 3 of the said Order, for the purpose of ascertaining whether any company, firm, association or body of individuals, whether incorporated or not, is a hostile firm as defined in the said Order ;
- (2) To receive the assets of the trade or business of any hostile foreigner or hostile firm under sub-clause 3 of clause 6 of the said Order ;
- (3) To exercise the powers specified in clause 7 of the said Order, for the purpose of enforcing the provisions of clause 6 thereof.

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,
Chief Secretary to Government.

NOTIFICATION.

No. 8034 Com.—*The 29th December 1914.*—Whereas by clause 4, sub-clause (1), of the Hostile Foreigners (Trading) Order, 1914, hostile foreigners and hostile firms are prohibited from carrying on or engaging in any trade or business in British India except under a license issued by or under the authority of the Governor General in Council, and to such extent and subject to such conditions, restrictions and supervision as the Governor General in Council may therein direct ; it is hereby notified that Mr. E. E. Meugens has been appointed by the Government of Bengal to be Controller of Hostile Firms to exercise the supervision and control subject to which such licenses have been granted to certain hostile firms.

H. L. STEPHENSON,
Secretary to the Government of Bengal.

NOTIFICATION.

No. 947 Com.—*The 20th March 1916.*—Whereas by clause 4, sub-clause (1) of the Hostile Foreigners (Trading) Order, 1914, hostile foreigners and hostile firms are prohibited from carrying on or engaging in any trade or business in British India except under a license issued by or under the authority of the Governor General in Council and to such extent and subject to such conditions, restrictions and supervision as the Governor General in Council may therein direct ; it is hereby notified that Mr. J. G. Drummond, I.C.S., has been appointed by the Government of Bengal to be Controller of

Hostile Firms with effect from the 20th March, 1916, to exercise the supervision and control subject to which such licenses have been granted to certain hostile firms, *vice* Mr. E. E. Meugens.

J. DONALD,

Secretary to the Government of Bengal.

COMMUNIQUE.

CUSTODIAN OF ENEMY PROPERTY.

Mr. J. G. Drummond, I.C.S., has been appointed Custodian of Enemy Property under Act XIV of 1915 for the purpose of receiving, holding and dealing with such moneys as may be paid to him in pursuance of this Act. His office will be open from 11 to 3-30 daily (on Saturdays 11 to 1-30) in Room No. 25, first floor, Writers' Buildings.

The 28th February, 1916.

GOVERNMENT OF BENGAL.

FINANCIAL DEPARTMENT.

Communique.

Dated Calcutta, the 18th March, 1916.

Mr. J. G. Drummond, I.C.S., Custodian of Enemy Property, Bengal, will take over charge of the office of Controller of Hostile Firms, with effect from the 20th instant, *vice* Mr. E. E. Meugens. All communications for the Controller should be addressed to Mr. Drummond from that date at his office in Writers' Buildings, Calcutta.

Fort St. George, March 7th, 1916.

No. 107.—The following Notifications of the Government of India are republished:—

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCE AND TRADE.

Delhi, the 26th February 1916.

No. 1557-IF.—In exercise of the powers conferred on him by sub-section (1) of section 3 of the Enemy Trading Act, 1915, (XIV of 1915), the Governor General in Council is pleased to appoint the undermentioned officers to act as Custodians for the purpose of receiving, holding and dealing with such money as may be paid to them in pursuance of the said Act, in respect of the territories specified against them.

*	*	*	*
Official Trustee, Madras	..	..	For the Madras Presidency.

*No. 1296-W., dated the 28th November, 1914.—In pursuance of the Foreigners Ordinance, 1914, (III of 1914), as amended by the Foreigners (Amendment) Ordinance (VII of 1914) and by the Foreigners (Further Amendment) Ordinance (VIII of 1914), the Governor General in Council is pleased to make and issue the following Order :—

1. Where the Local Government is of opinion that a hostile foreigner or a hostile firm *is utilising or is likely to utilise the period of one month allowed by clause 6 (1) (ii) of the Hostile Foreigners (Trading) Order, for the submission of an application to carry on, or engage in trade or business in British India, in realising his or its assets for the purpose of remitting such assets directly or indirectly to any person resident in any State for the time being at war with His Majesty*, the Local Government may direct such foreigner or firm shall not transfer or otherwise deal with in any way his or its assets or any part thereof without the consent of the Local Government, and the Local Government may take all steps it may consider necessary to ensure compliance with any such order.

2. An order made under clause (1) shall *remain in force until the disposal of the application for a license under the Hostile Foreigners (Trading) Order, or in the event of a failure to make such an application until the period of one month within which such an application must be made has expired.*

3. This Order shall be read as one with the Hostile Foreigners (Trading) Order.

†No. 1298-W., dated the 28th November, 1914.—The following is published in supersession of the Notification in the Commerce and Industry Department, No. 1116-W., dated the 26th November, 1914.

Whereas by paragraph 2 of the Hostile Foreigners (Trading) Order of November 14th, 1914, it is provided that any *company, firm* or association or body of individuals, whether incorporated or not, of which any member or officer is a hostile foreigner or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has an office, agency or place of business in British India is a hostile firm ; and

Whereas by paragraph 4 of the said Order hostile firms are prohibited from carrying on or engaging in any trade or business in British India except under a special or general license issued by or under the authority of the Governor General in Council ; and

*N.B.—See Gazette of India Extraordinary, dated 28th November 1914, and Part I, page 1987, and Bom. G. G. Extraordinary, 30th Nov. 1914, Part I, p. 2894. This Notification was extended to Berar, vide Notification of 22nd February 1915, No. 999D.

†N.B.—[See Gazette of India Extraordinary, dated 28th November, 1914, and Part I, page 1987]. The revoked Notification of the 26th November 1914 was published in Bom. G. G. Extraordinary, November 28th, 1914, Part I, p. 2892. It is the same as the above save that in clause 3 after the words 'or on behalf of' the following words appeared 'and no appointment of director was held by.' These latter words were taken out by the revoking Notification.

Whereas it is desirable to grant a general license under paragraph 4 of the said Order to certain companies which fall within the definition of hostile firm in the said Order ;

Now, therefore, the Governor General in Council hereby authorises to carry on trade or business in British India any such *company* as satisfies the following conditions, namely :—

- (1) that the company is registered in the United Kingdom or in a British possession ;
- (2) that on the 3rd day of August, 1914, such company was not agent for any person carrying on a business or trade in the territories of any State now at war with His Majesty ;
- (3) that on the 3rd day of August, 1914, not more than one-third of the issued share capital was held by, or on behalf of, any person or persons being subjects of any State now at war with His Majesty ;
- (4) that on the 3rd day of August, 1914, *no director, manager or other officer was a subject of any such State ; and*
- (5) that such company is not specifically excluded from the benefit of this general license by a notification in the Gazette of India by the Governor General in Council in this behalf for the time being in force.

DEPARTMENT OF COMMERCE AND INDUSTRY.

*No. 1631-IV., dated the 13th February, 1915.—Whereas by paragraph 4, clause 1, of the Hostile Foreigners Trading Order, dated the 14th November, 1914, hostile foreigners are prohibited from carrying on or engaging in any trade or business in British India except under a general or special license issued by or under the authority of the Governor General in Council, and

Whereas it is desirable that a general license under paragraph 4 of the said Order should be granted to a class of persons who fall within the definition of "hostile foreigner" in the said Order ;

Now, therefore, the Governor General in Council hereby authorises the carrying on of trade or business in British India by *Asiatic subjects of the Ottoman Empire*, subject to the following restrictions and conditions, namely :—

- (1) this license shall not apply to any company, firm or association, or body of individuals which falls within the definition of "hostile firm" in the said Order ;
- (2) this license shall not apply to any Asiatic subjects of the Ottoman Empire whom the Governor General in Council may from time to time by Notification in the Gazette of India except from its provisions ;

*Republished in Bom. G. G., Feb. 18th, 1915, Part I, p. 564, and see Gazette of India, 1915, Part I, page 280.

- (3) this license shall not affect any special license, which has been, or may hereafter be, issued by the Governor General in Council, under the said Order. Any such licensee shall be subject to all the conditions and restrictions specified in the special license ;
- (4) this license does not apply to any person who has applied for and been refused a license under the said Order.

—

No. 999-D., dated the 22nd February, 1915.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to apply the following Ordinances, in so far as they may be applicable, to Berar, namely :—

The Commercial Intercourse with Enemies Ordinance, 1914, (VI of 1914)
 The Foreigners (Amendment) Ordinance, 1914 (VII of 1914),
 The Foreigners (Further Amendment) Ordinance, 1914 (VIII of 1914),
 and
 The Articles of Commerce Ordinance, 1914 (IX of 1914) :

Provided, first, that in the Ordinances as so applied, references to a Local Government shall be read as referring to the Chief Commissioner of the Central Provinces, and references to British India as including Berar :

Provided secondly, that for the purpose of facilitating the application of the said Ordinances, any Court or authority exercising jurisdiction in Berar may construe the provisions of the said Ordinances with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before it.

The Governor General in Council is further pleased to direct that the following Notifications of the Government of India in the Department of Commerce and Industry shall, so far as they may be applicable, and subject to the same provisos, apply to Berar, namely :—

- No. 807-W., dated the 14th November 1914, [issuing the Hostile Foreigners (Trading) Order],
- No. 1116-W., dated the 26th November, 1914, (granting a general license under the aforesaid Order),
- No. 1296-W., dated the 28th November, 1914, (issuing a further Order to be read as one with the aforesaid Order), and
- No. 1631-W., dated the 13th February, 1915, (granting a general license, under the Order cited first above, to Asiatic subjects of the Ottoman Empire to carry on trade or business in British India.)

DEPARTMENT OF COMMERCE AND INDUSTRY.

No. 2263-W., dated the 6th March, 1915.—In exercise of the powers vested in him by sub-clause (2) of clause (4) of the Hostile Foreigners Trading Order, the Governor General in Council is pleased to direct that the licenses specified in the Schedules annexed to this Notification shall remain in force for the following periods, *viz.*, in the case of the licenses specified in Schedule I, until the 14th August, 1915, and in the case of the licenses specified in Schedule II, so long as the Trading Order aforesaid shall remain in force.

I

LIST SHOWING NAMES OF HOLDERS OF A LICENSES.

Alois Schweiger and Company.
 The Austrian Lloyd Steam Navigation Company.
 Austrian Export and Import Company, Limited.
 Bettmann and Kupfer.
 A. Blascheck and Company (so far as their Agencies of the Farluoerk Muhlhein Vorm A. Leonhardt and Company, J. E. Bleckmann, Carl Kalanch, Gebruder Friese, Johs, Girmes and Company and Heinr. Ad. Meyer, are concerned).
 Badische Company, Limited.
 Bauer and Krause.
 Bume and Reif.
 Continental Tyre Company.
 R. Ditmar and Company.
 E. G. Fulep.
 Farbenfabriken, Bayer and Company.
 C. Flor and Company.
 Gaddum and Company (so far as their Agencies of the Allianz Insurance Company of Berlin, Limited, and Baden Marine Insurance Company, Limited, are concerned).
 Graham and Company (so far as their Agency of the Hansa Line steamships is concerned).
 The Holland Bombay Trading Company (so far as the Rhenania Insurance Company, Limited, the United Marine Insurance Companies and the Prussian National Insurance Company are concerned).
 Heine and Company.
 Harry Greayer (W. J. Burrows.)
 Joseph Blum.
 Jelke and Son.
 John Forstner and Company, Karachi.
 Killick, Nixon and Company (so far as their Agency of the firm of Orenstein and Koppel is concerned).
 Leopold, Cassella and Company.

Meister, Lucius and Bruning, Limited.
Metzker and Company, Poona.
A. Strandes and Company.
Steffens and Nolle.
Schlechtendahl and Company.
Salomon Brothers.
Volkart Brothers (so far as their Agency of the British Aniline Company is concerned).
Wiechers, Kaiser and Levy, Limited.
W. Wolf and Sons.
Mrs. F. Cumper.
Mr. J. Schneider.
Mr. C. Yeck. •

II.

LIST SHOWING NAMES OF HOLDERS OF B LICENSES.

Oxford University Press, Bombay.
Bombay Column Tyre Company.
Weld and Company.
Volkart Brothers.
A. C. Kohler.
Louis, Dreyfus and Company.
Turner, Morrison and Company, with regard to their Agency of the Arab Steamers Company (Limited).
D. Macropolo and Company.
Jumna Ginning and Pressing Company.
Breul and Company.
Khamgaon Cotton Pressing Company.
Gaddum and Company.
Bombay Cotton Trade Association.
Reverend H. Boese.
A. Blascheck and Company.
H. Bentzion.
Kahn and Kahn.
C. Ziegenspeck.
Hongkong and Shanghai Banking Corporation, Limited.
Sanatogen Company.
O. Rubbert.
Enrico N. Stein.
Gutmann and Company.
Josts Engineering, Company.
Strauss and Company.
Wolfson and Company.
C. Hummel.

REVENUE DEPARTMENT.

Bombay Castle, 8th March, 1915.

No. 2783.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-IV,* dated the 14th November, 1914, the Governor in Council is pleased—

- (1) to declare that the firm of Messrs. Worman & Co., having its office at Eruchshaw Building, Hornby Road, in the City and Island of Bombay, has failed to apply for a license under the said Order ;
- (2) to direct that the said firm shall deposit all the assets of its trade or business with the Controller of Hostile Trading Concerns in the Bombay Presidency.

By order of His Excellency the Right Honourable the Governor in Council,

G. CARNICHAEL,

Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 4th May, 1915.

No. 4977.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-IV,* dated the 14th November, 1914, the Governor in Council is pleased—

- (1) to declare that the Marine and Fire Insurance Companies specified in the accompanying schedule have failed to apply for a license under the said order ;
- (2) to direct that the said Insurance Companies shall deposit all the assets of their trade or business with the Controller of Hostile Trading Concerns in the Bombay Presidency.

*Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

SCHEDULE.

Name of Fire or Marine Insurance Company.	Represented by	Address.
1. Assurance Union of Hamburg of 1865	Mr. Phiroze C. Sethna.	Canada Building, Hornby Road.
2. Hamburg Assurance Co.	Do.	Do.
3. Continental Insurance Co.	Messrs. Breul & Co.	Forbes Building, Hornby Street.
4. German Marine Insurance Co.	Do.	Do.
5. German Re & Co. Insurance Co.	Do.	Do.
6. Lloyd of Cologne General Insurance Co.	Do.	Do.
7. Transatlantic Marine Insurance Co.	Do.	Do.
8. Aachen & Munich Fire Insurance Co.	Do.	Do.
9. Magdeburg Fire Insurance Co.	Do.	Do.
10. General Insurance Co., of Trieste	Messrs. Volkart Brothers.	Rampart Row.
11. Nord Deutsche Insurance Co.	Do.	Do.
12. Albingia Fire Insurance Co.	Do.	Do.
13. Nord Deutsche Fire Insurance Co.	Do.	Do.
14. Hamburg Bremen Fire Insurance Co.	Do.	Do.
15. Hansiatic Insurance Co., of 1877	Messrs. Turner, Morrison & Co.	Royal Insurance Buildings, Church Gate Street.
16. General Marine Insurance Co., of Dresden.	Messrs. Chinoy Sons & Co.	19, Church Gate Street.
17. Upper Rhine Insurance Co.	Messrs. C. Macdonald & Co.	65, Apollo Street, Fort.
18. Prussian National Insurance Co. (Fire)		Cox's Building, Hornby Road.

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,

Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 28th May, 1915.

No. 5916.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-II*, dated 14th November, 1914, the Governor in Council is pleased :—

- (1) to declare that Mr. E. Sommerfeld, dairyman of Amalsād in the Jalālpur Tāluka of the Surat District, has failed to apply for a license under the said order ;
- (2) to direct that the said Mr. E. Sommerfeld shall deposit all the assets of his trade or business with the District Magistrate, Surat.

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,
Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 24th July, 1915.

No. 7933.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-IV*, dated the 14th November, 1914, the Governor in Council is pleased :—

- (1) to declare that the license granted under the said Order to the Austrian Lloyd Steam Navigation Company, which has its office at 52, Churchgate Street, in the City and Island of Bombay, has been cancelled by the Government of India ;
- (2) to direct that the said company shall deposit all the assets of its trade or business in British India with the Controller of Hostile Trading Concerns in the Bombay Presidency.

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,
Chief Secretary to Government.

*Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

REVENUE DEPARTMENT.

Bombay Castle, 3rd August, 1915.

No. 8277.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,* dated the 14th November 1914, the Governor in Council is pleased :—

- (1) to declare that Mrs. Carl Polacek, proprietress of the Carlton Hotel in the City and Island of Bombay, has failed to apply for a license under the said Order ;
- (2) to direct that the said Mrs. Polacek shall deposit all the assets of her trade or business with the Controller of Hostile Trading Concerns in the Bombay Presidency.

By order of His Excellency the Right Honourable the Governor in Council,

G. CARMICHAEL,
Chief Secretary to Government.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, 12th August, 1915.

†No. 8625.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,* dated 14th November, 1914, and of all other powers enabling him in this behalf, the Governor in Council is pleased :—

- (1) to declare that the firms specified in the accompanying schedule, who were granted a license up to 14th August, 1915, under clause 4 of the Order for carrying on their trade or business in British India, have been refused an extension of the license after that date ;
- (2) to direct that the said firms shall deposit all the assets of their trade or business with the Government Officer shown against each.

*Republished under Government Notification No. 11163, dated 16th November 1915, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

†Published in Bom. G. G. Extraordinary, 12th August, 1915, Part I, p.2054.

SCHEDULE.

Name of Firm.	Address.	Government Officer.
1. Farbenfabriken Bayer and Company, Limited.	Alice Building, Hornby Road, Bombay.	Controller of Hostile Trading Concerns, Bombay.
2. Badische Company Limited	3, Elphin-stone Circle, Bombay.	Do.
3. Meister Lucius and Bruning, Limited	Cox's Building, Hornby Road, Bombay.	Do.
4. Leopold Cassella and Company	Sardar Palace, Apollo Street, Bombay.	Do.
5. Berlin Aniline Company, Limited, (represented by Volkart Brothers).	No. 1, Rampart Row, Bombay.	Do.
6. { R. Ditmar Brunner Brothers, Limited	{ 3, Church Gate Street, Bombay.	Do.
7. R. Ditmar and Company	10, Forbes Street, Bombay.	Do.
8. Schlechtendahl and Company	Canada Building, Hornby Road, Bombay.	Do.
9. Steffens and Nolle	MacMillan Building, Hornby Road, Bombay.	Do.
10. Bauer and Krause	24, Meadows Street, Fort, Bombay.	Do.
11. Joseph Blum	Meadows Street, Fort, Bombay.	Do.
12. A. Strandes and Company	33, Apollo Street, Bombay.	Do.
13. C. Flor and Company	27, Treacher's Building, Esplanade Road, Bombay.	Do.
14. Sanatogen Company, Limited	Hornby Road, Fort, Bombay.	Do.
15. E. G. Fulep	Queen's Mansions, Bastion Road, Fort, Bombay.	Do.
16. Continental Tyre and Rubber Company, Limited.	35, Hummum Street, Fort, Bombay.	Do.
Heine and Company		Do.

SCHEDULE.—*contd.*

Name of Firm.	Address.	Government Officer.
17. Farberwerk Muhlheim Vorm A. Leonhardt and Com- pany J. E. Bleckmann Carl Kallanch Gebruder Friese Johs Girmes and Company .. Heinr. Ad. Meyer	Chartered Bank Building, Es- planade Road, Bombay. Church Gate Street, Fort, Bom- bay. 75, Hornby Road, Fort, Bombay. Military Square Lane, Fort, Bombay. 1, Lothuan Road, Poona. Victoria Road, Karachi. Karachi.	Controller of Hostile Trading Concerns, Bombay. Do. Do. Do. Collector of Poona. Controller of Hostile Trading, Concerns, Karachi. Do.
18. The Allianz Insurance Com- pany, Limited, of Berlin; and The Baden Marine Insurance Company, Limited	represented by Messrs. Gad- dum and Com- pany.	Do.
19. The Rhenania Insurance Company, Limited; The United German Marine Insurance Companies; and The Prussian National In- surance Company	represented by Holland-Bom- bay Trading Company.	Do.
20. Harry Greayer .. ..	.. ..	Do.
21. Metzker and Company .. ..	.. ..	Collector of Poona.
22. John Forstner and Company .. ..	.. ..	Controller of Hostile Trading, Concerns, Karachi.
23. Weichers, Kaiser and Levy, Limited .. ..	.. ..	Do.

By order of His Excellency the Right Honourable the Governor in Council,

*G. S. CURTIS,
 Chief Secretary to Government.*

REVENUE DEPARTMENT.

Bombay Castle, 18th August 1915.

No. 8771.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,* dated the 14th November 1914, the Governor in Council is pleased—

- (1) to declare that Carl Polacek, an Austrian subject, has failed to apply for a license under the said Order ;
- (2) to direct that the said Carl Polacek shall deposit all the assets of his trade or business with the Controller of Hostile Trading Concerns in the Bombay Presidency.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

No. 14535-W., dated the 11th September, 1915.—In exercise of the powers vested in him by sub-clause (2) of clause 4 of the Hostile Foreigners Trading Order, the Governor General in Council is pleased to direct that the licenses granted to the under-mentioned firms shall remain in force until the 14th November, 1915 :—

1. Messrs. W. and A. Graham and Company (so far as their agency of the Hansa Line steamships is concerned.)
2. W. Wolf and Sons.
3. Salomon Brothers, Limited.
4. Wiechers, Kaiser and Levy, Limited.

†*Bombay Castle, 28th September, 1915.*

No. 10340.—Mr. P. S. Mellor, Registrar of Companies, Bombay, is appointed to be Controller of Hostile Trading Concerns in the Bombay Presidency, in addition to his own duties, vice Mr. G. S. Hardy, I.C.S., proceeding on leave, pending further orders.

No. 10341.—In exercise of the powers conferred by clauses 3, 6 and 7 of the Hostile Foreigners (Trading) Order issued by the Governor General in Council on the 14th day of November 1914, in pursuance of the Foreigners Ordinance, 1914 (III of 1914), as amended by Ordinances VII and VIII of 1914, the Governor in Council is pleased to empower Mr. P. S. Mellor, Controller of Hostile Trading Concerns :—

*Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

[See Gazette of India, 1915, Part I, page 1788].

†Published in Bom. G. G., Sept. 30th, 1915, Part I.

- 1) to exercise the powers specified in clause 3 of the said Order, for the purpose of ascertaining whether any company, firm, association or body of individuals, whether incorporated or not, is a hostile firm as defined in the said Order ;
- (2) to receive the assets of the trade or business of any hostile foreigner or hostile firm under sub-section (3) of clause 6 of the said Order ;
- (3) to exercise the powers specified in clause 7 of the said Order for the purpose of enforcing the provisions of clause 6 thereof.

REVENUE DEPARTMENT.

Bombay Castle, 9th October, 1915.

No. 10768.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,* dated 14th November 1914, and of all other powers enabling him in this behalf, the Governor in Council is pleased :—

- (1) to declare that the firm of Orenstein and Koppel, which was granted a license up to 14th August 1915 under clause 4 of the Order for carrying on its trade or business in British India, has been refused an extension of the license after that date ;
- (2) to direct that the said firm shall deposit all the assets of its trade or business with the Controller of Hostile Trading Concerns, Bombay.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 3rd December 1915.

No. 12909.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,* dated the 14th November 1914, the Governor in Council is pleased—

- (1) to declare that Adolf Neuhauser, a German subject, has failed to apply for a license under the said Order ;
- (2) to direct that the said Adolf Neuhauser shall deposit all the assets of his trade or business with the Controller of Hostile Trading Concerns in the Bombay Presidency.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

*Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

Bombay Castle, 14th December 1915.

*No. 13326.—The following Notification by the Government of India, Commerce and Industry Department, is republished—

“ COMMERCE AND TRADE.

No. 763-*W*., dated Delhi, the 11th December 1915.

In pursuance of the Foreigners Ordinance, 1914 (III of 1914), as amended by the Foreigners (Further Amendment) Ordinance 1914 (VIII of 1914), the Governor General in Council is pleased to make and issue the following Order :—

1. This Order may be called the Hostile Foreigners (Bulgarian Short title. Trading) Order, 1915.
2. The provisions of the Hostile Foreigners (Trading) Order† shall have Application of effect as if the term ‘ hostile foreigner ’ as therein defined Hostile Foreign- included also a reference to subjects of the King of the ers (Trading) Bulgarians provided that in construing the said Order the Order to Bul- following modifications shall be made, namely : garian subjects.
 - (a) the reference in clause 2 (b) of the said Order to the 3rd August 1914 shall be construed as a reference to the 14th October 1915;‡
 - (b) the period of one month mentioned in clause 6 (1) (ii) of the said Order shall be construed as referring to a period of one Construction. month from the date of this Order.
3. This Order shall be construed with and deemed to be part of the Hostile Foreigners (Trading) Order.

(Signed) C. E. Low,
Secretary to the Government of India.”

REVENUE DEPARTMENT.

Bombay Castle, 21st December 1915.

No. 13634.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners Trading Order published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-*W*.,§ dated 14th November 1914, and of all other powers enabling him in this behalf, the Governor in Council is pleased :—

- (1) to declare that the firm of Wiechers Kaiser and Levy, Limited, which was granted a license up to 14th November 1915 under clause 4 of the Order for carrying on its trade or business in British India has been refused an extension of the license after that date ;

*Published in Bom. G. G., Dec. 16th, 1915, Part I, p. 2991.

†Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

‡Because of the Declaration of War against Bulgaria in October 1915, vide Appendix I.

§Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

- (2) to direct that the said firm shall deposit all the assets of its trade or business with the Controller of Hostile Trading Concerns in Sind.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

*No. 56.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“ COMMERCE AND TRADE.

No. 1193-W., dated Delhi, the 1st January 1916.

In exercise of the powers conferred on him by sub-section (1) of section 3 of the Enemy Trading Act, 1915 (XIV of 1915), the Governor General in Council is pleased to appoint the undermentioned officer to act as Custodian for the purpose of receiving, holding and dealing with such money as may be paid to him in pursuance of the said Act, in respect of the territories specified against him.

Controller of Hostile Trading
Concerns, Bombay.

For the Presidency of Bombay
(including Sind and Aden).

(Signed) C. E. Low,
Secretary to the Government of India.”

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

PRESS COMMUNIQUE.

Under section 3 of Act XIV of 1915 the Governor General in Council has appointed Mr. P. S. Mellor, Controller of Hostile Trading Concerns, Bombay, to act as Custodian of Enemy Property for the Presidency of Bombay (including Sind and Aden) for the purpose of receiving money due to enemy subjects the payment of which to the persons to whom it is due would amount to a contravention of the orders prohibiting dealings with enemy subjects. The kinds of payment contemplated are mainly payments of (1) dividends, interest, or share of profits, which are due to enemy subjects, (2) monies realized on behalf of enemy subjects by sale of goods imported into this country, and (3) ordinary debts due to enemy subjects. All persons who hold any amounts due to enemy subjects are accordingly requested to pay them to the Custodian of Enemy Property, Bombay.

*Published in Bom. G. G., Jan. 6th, 1916, Part I, p. 21.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 433.

Bombay Castle, 13th January, 1916.

Forwarded to—

The Commissioner in Sind (with a request that the Press Communiqué may be published in the *Sind Official Gazette* and that printed copies of the translation of it into Sindhi may be distributed to Editors of Sindhi Newspapers in Sind),

- The Commissioners of Divisions,
- The Commissioner of Customs, Salt, Opium and Abkari,
- The Political Resident, Aden,
- The Collector of Customs, Bombay,
- The Collector of Salt Revenue, Bombay,
- The Chief Collector of Customs in Sind,
- The Collector of Bombay,
- All Collectors, including the Collectors in Sind and the Deputy Commissioner, Upper Sind Frontier,
- The Registrar of Companies,
- The Accountant General,
- The Controller of Hostile Trading Concerns, Bombay,
- The Controller of Hostile Trading Concerns, Sind,
- The Controller of Hostile Trading Concerns, Aden,
- The Editor of Government Publications,
- The Oriental Translator to Government (with a request that the Press Communiqué may be translated into Gujarati, Marathi and Kanarese and that printed copies of the translations may be distributed to the Editors of the Vernacular Newspapers in those languages in the Presidency proper including the Town and Island of Bombay),
- The Political Agent, Savantvadi,
- The Editors' Tables and Editors of Newspapers,
- All Registered Libraries,
- The Separate Department of the Secretariat (for the Reading Room for the Members of the Legislative Council),
- The Non-official Members of the Legislative Council,
- The Political Department of the Secretariat,
- The Secretary, Chamber of Commerce, Bombay,
- The Secretary, Chamber of Commerce, Karachi,
- The Secretary, Indian Merchants' Chamber and Bureau, Bombay.

} By letter.

J. A. POPE,
Under Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 14th January 1916.

*No. 493.—In exercise of the powers conferred by clause 6, sub-clauses (2) and (3), of the Hostile Foreigners (Trading) Order, published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,† dated the 14th November 1914, the Governor in Council is pleased—

- (1) to declare that the Achaia Societa Vinicole represented by Messrs. Theodoro Vafiadis and Company in the City and Island of Bombay has failed to apply for a license under the said Order ;
- (2) to direct that the said agency shall deposit all the assets of its trade or business with the Controller of Hostile Trading Concerns, Bombay.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 17th January 1916.

‡No. 547.—In exercise of the powers conferred by clause 6, sub-clause (2), of the Hostile Foreigners Trading Order published in the Notification of the Government of India, Department of Commerce and Industry, No. 807-W.,† dated 14th November 1914, and of all other powers enabling him in this behalf, the Governor in Council is pleased—

to declare that the firm of Bume and Reif, which was granted a license up to 14th November 1915, under clause 4 of the Order for carrying on its trade or business in British India, has been refused an extension of the license after that date.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

*Published in Bom. G. G., Jan. 20th, 1916, Part I, p. 91.

†Republished under Government Notification No. 11163, dated 16th November 1914, at pages 2720-2721 of the Bom. G. G. Extraordinary, Part I, of the same date.

‡Published in Bom. G. G., Jan. 20th, 1916, Part I, p. 92.

Bombay Castle, 25th January 1916.

*No. 871.—The following Notification by the Government of India, Commerce and Industry Department, is republished :—

“COMMERCE AND TRADE.

No. 478-W., dated Delhi, the 22nd January 1916.

In pursuance of the Foreigners Ordinance, 1914 (III of 1914), as amended by the Foreigners (Amendment) Ordinance, 1914 (VII of 1914), and by the Foreigners (Further Amendment) Ordinance, 1914 (VIII of 1914), as in force in virtue of the Emergency Legislation Continuance Act, 1915 (I of 1915), the Governor General in Council is pleased to direct that the following amendment shall be made in the Hostile Foreigners (Trading) Order, namely :—

After sub-clause (4) of clause 6 of the said Order the following shall be added, namely :—

(5) *Explanation* :—Any reference in this clause to a license which has been refused includes a reference to a license which has been revoked or which has otherwise become inoperative.

(Signed) C. E. Low,

Secretary to the Government of India.”

NOTIFICATION

OF 6TH MARCH 1916 AS TO CONTINUATION OF CERTAIN LICENSES
TO CERTAIN DATES.

Bombay Castle, 6th March 1916 :—

†No. 2518.—The following Order dated 14th February 1916 by the Government of India is published for general information :—

In exercise of the powers vested in him by sub-clause (2) of clause 4 of the Hostile Foreigners (Trading) Order, the Governor General in Council is pleased to direct that the undermentioned licenses shall remain in force until the 31st May 1916.

1. License granted to W. and A. Graham and Company to carry on business connected with their agency of the Hansa Line steamships solely for the purpose of liquidating the said business.
2. License granted to A. Blascheck and Company to liquidate their business.
- 3 and 4. Licenses granted to W. Wolf and Sons and Salomon Brothers, Limited, for the purpose of the settlement of their claims.
5. License granted to Alois Schweiger and Company, Limited, to dispose of indent stocks at Bombay, Karachi, Aden and Calcutta.

*Published in Bom. G. G., Jan. 27th, 1916, Part I, p. 135.

†Published in Bom. G. G., dated, March 9th, 1916, Part I, p. 424.

6. License granted to Messrs. Schroder Smidt and Company, Limited, to dispose of indent stocks at Bombay.
- 7—9. Licenses granted to the Continental Tyre and Rubber Company, Bume and Reif and G. A. Schlechtendahl, Limited, for the purpose of conducting law suits.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,
Chief Secretary to Government.

APPENDIX VI

CONTAINING

- 1 FORE NOTE TO THE DECLARATION OF LONDON, 1909.
- 2 TRANSLATION OF THE PORTIONS OF THE DECLARATION OF LONDON, 1909, RELATIVE TO CONTRABAND OF WAR.
- 3 GENERAL REPORT EXPLAINING THE ARTICLES OF THE DECLARATION OF LONDON AS TO CONTRABAND.
- 4 ORDER IN COUNCIL OF THE 20TH AUGUST, 1914, ADOPTING WITH MODIFICATIONS THE DECLARATION DURING PRESENT HOSTILITIES.
- 5 ORDER IN COUNCIL OF THE 29TH OCTOBER, 1914. REVOKING THE ORDER OF THE 20TH AUGUST, 1914.
- 6 THE ROYAL PROCLAMATION OF THE 4TH AUGUST, 1914, AS TO ABSOLUTE AND CONDITIONAL CONTRABAND.
- 7 THE CUSTOMS EXPORTATION (PROHIBITION) ACT, 1914

FORENOTE TO THE DECLARATION OF LONDON.

The Convention known as the Declaration of London was signed on the 26th day of February 1909, a translation of it from the original French in English has been published by the Legislative Department of the Government of India. It is printed hereafter in a separate Appendix, along with a translation of the General Report in French adopted by the International Naval Conference explaining the Articles of the Declaration, and accompanying it the relative Orders in Council and Proclamations passed during the Present war. (Vide post.)

Until the present war it had no effect in the Prize Courts of Great Britain, nor did it form any part of British Prize law.

It is of importance for the purpose of the present work chiefly in connection with the subject of what is absolute and conditional contraband of war, and the Articles of the Declaration that touch on this topic are Articles 22 and 23.

The Royal Proclamation of the 4th August 1914 enumerated in two schedules the lists of absolute and conditional contraband. This Proclamation was not under the Declaration of London because at this date in August the Declaration was not binding. The lists in the Proclamation were in the same terms as in the corresponding lists in the Declaration except that aeroplanes, airships, balloons, and aircraft of all kinds and their component parts and accessories were included in the absolute list, these not being necessarily of use only in war and therefore not so included in the Declaration of London.

A great change was effected by the Order in Council of the 20th August, the effect of which was to adopt and put in force by the allies the Declaration of London as if it had been ratified, subject to certain alterations. (Vide post.)

A point to notice with reference to this Order of Council is that the abolition of the doctrine of continuous voyage was entirely revoked and in spite of Article 35 of the Declaration of London, conditional contraband if shown to be destined for the use of the armed forces, or a Government Department of the Enemy State, is liable to capture, to whatever part the vessel was bound and at whatever port the cargo was to be discharged.

The Order of Council of the 29th October 1914 annulled the previous Order of the 20th August 1914. The effect of it is to adopt the Declaration of London subject to the exclusion of the lists of contraband and non-contraband, and to certain additions and modifications, and to the provisions that where it is shown to the satisfaction of one of His Majesty's principal Secretaries of State that the Enemy Government is drawing supplies for its armed forces from or through a neutral country, it may direct by notice in the London Gazette that in respect of ships bound for a port in that country Art. 35 of the Declaration of London shall not apply. Until such notice is withdrawn a vessel which is carrying contraband to a port in that country is not immune from capture.

So from this date the Order of the 20th August is altogether wiped out, and the governing document is henceforth the Declaration of London as modified by this Order.

Looking to the Declaration of London it will be seen that by Article 30 of that Convention absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy and it is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land. By Article 33 conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces. The destination referred to in Article 3 may be inferred from any sufficient evidence and shall be presumed to exist if the goods are consigned to or for an agent of the Enemy State or to or for a merchant or other person under the control of the Authorities of the Enemy State (*vide* Order of Council of 20th August 1914.)

The Order of Council of the 29th October 1914 makes conditional contraband liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods or if they show a consignee in territory belonging to or occupied by the enemy, and in such cases it lies upon the owners of the goods to prove that their destination was innocent (*vide* Order of Council of the 29th October 1914.)

As to the effect of the repeal of the Order of Council of the 28th August, and how far both Orders are binding on the Prize Court in England, the matter has been discussed in Chapter IV under the dates of the Orders.

PORTIONS OF THE DECLARATION OF LONDON RELATIVE TO
CONTRABAND OF WAR AS TRANSLATED AND PUBLISHED
BY THE GOVERNMENT OF INDIA, LEGISLATIVE
DEPARTMENT.

*DECLARATION OF LONDON 1909.**

DECLARATION CONCERNING THE LAWS OF NAVAL WAR.

Preliminary Provision.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognised principles of international law.

Chapter I.

Chapter II.—Contraband of War.

†22. The following articles may, without notice, be treated as contraband of war, under the name of absolute contraband :—

- (1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

*By an Order in Council dated 20th August 1914, Great Britain has adopted the Declaration during the present hostilities subject to certain modifications, see Articles marked by an asterisk directly affected by these modifications, post.

This Order has been revoked by an Order in Council of 29th October 1914, adopting the said Declaration with modifications.

†For the revised list adopted by Great Britain during the present hostilities, see Appendix III.

- (2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
- (3) Powder and explosives specially prepared for use in war.
- (4) Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.
- (5) Clothing and equipment of a distinctively military character.
- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draught, and pack animals suitable for use in war.
- (8) Articles of camp equipment, and their distinctive component parts.
- (9) Armour plates.
- (10) War-ships, including boats, and their distinctive component parts, of such a nature that they can only be used on a vessel of war.
- (11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

23. Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

24. The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, be treated as contraband of war, under the name of conditional contraband :—

- (1) Foodstuffs.
- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4) Gold and silver in coin or bullion ; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts.
- (6) Vessels, craft, and boats of all kinds ; floating docks, parts of docks and their component parts.
- (7) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs and telephones.
- (8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9) Fuel ; lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes chronometers, and all kinds of nautical instruments.

25. Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

26. If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration which must be notified in the manner provided for in the second paragraph of Article 23.

27. Articles which are not susceptible of use in war may not be declared contraband of war.

28. The following may not be declared contraband of war :—

- (1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
- (2) Oil seeds and nuts ; copra.
- (3) Rubber, resins, gums, and lacs ; hops.
- (4) Raw hides and horns, bones, and ivory.
- (5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
- (6) Metallic ores.
- (7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
- (8) Chinaware and glass.
- (9) Paper and paper-making materials.
- (10) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.
- (11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.
- (12) Agricultural, mining, textile, and printing machinery.
- (13) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.
- (14) Clocks and watches, other than chronometers.
- (15) Fashion and fancy goods.
- (16) Feathers of all kinds, hairs, and bristles.
- (17) Articles of household furniture and decoration ; office furniture and requisites.

29. Likewise the following may not be treated as contraband of war :—

- (1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.
- (2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

30. Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

31. Proof of the destination specified in Article 30 is complete in the following cases :—

- (1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.
- (2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

32. Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

33. Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

34. The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

35. Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

36. Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.

37. A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

38. A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

39. Contraband goods are liable to condemnation.

40. A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half her cargo.

41. If a vessel carrying contraband is released, she is liable for the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

42. Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

43. If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

44. A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

Chapter III—Unneutral Service.

* * * * *

Chapter IV.—Destruction of Neutral Prizes.

* * * * *

Chapter V.—Transfer to a Neutral Flag.

* * * * *

Chapter VI.—Enemy Character.

*57. Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in nowise affected by, this rule.

58. The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

59. In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

60. Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognised legal right to recover the goods, they regain their neutral character.

Chapter VII.—Convoy

* * * * *

Chapter VIII.—Resistance to Search.

* * * * *

Chapter IX.—Compensation.

* * * * *

†GENERAL REPORT, ADOPTED BY THE INTERNATIONAL NAVAL
CONFERENCE, EXPLAINING THE ARTICLES OF THE DECLARATION OF LONDON.

Chapter I.—Blockade in Time of War.

* * * * *

*Art No. 57 has by the Declaration of London Order in Council, 1915, dated 20th October 1915, no longer been adopted.

†The Report has been accepted by Great Britain as authoritative during the present hostilities; paragraphs marked by an asterisk relate to Articles which Great Britain only accepts subject to modifications, see post.

The text of the original in the French language can be found in the Parliamentary Paper "Miscellaneous No. 5 (1909)."

By the Order in Council of the 20th August 1914, it is provided that the Declaration shall be continued and interpreted by the provisions of the commentary given in the Report.

Chapter II.—Contraband of War.

This chapter is one of the most, if not the most, important of the Declaration. It deals with a matter which has sometimes given rise to serious disputes between belligerents and neutrals. Therefore, regulations to establish exactly the right and duties of each often have been urgently called for. Peaceful trade may be grateful for the precision with which a subject of the highest importance to its interests is now for the first time treated.

The notion of contraband of war connotes two elements: it concerns objects of a certain kind and with a certain destination. Cannons, for instance, are carried in a neutral vessel. Are they contraband? That depends: if they are destined for a neutral Government,—no; if they are destined for an enemy Government,—yes. The trade in certain articles is by no means generally forbidden during war; it is the trade with the enemy in these articles which is illicit, and against which the belligerent to whose detriment it is carried on may protect himself by the measures allowed by international law.

Articles 22 and 24 enumerate the articles which may be contraband of war and which are so in fact when they have a certain destination laid down in Articles 30 and 33. The traditional distinction between *absolute* and *conditional* contraband is maintained: Articles 22 and 30 refer to the former, and Articles 24 and 33 to the latter.

22. *The following articles may, without notice, † be treated as contraband of war under the name of absolute contraband:—*

- (1) *Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.*
- (2) *Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.*
- (3) *Powder and explosives specially prepared for use in war.*
- (4) *Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.*
- (5) *Clothing and equipment of a distinctively military character.*
- (6) *All kinds of harness of a distinctively military character.*
- (7) *Saddle, draught, and pack animals suitable for use in war.*
- (8) *Articles of camp equipment, and their distinctive component parts.*
- (9) *Armour plates.*
- (10) *Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.*
- (11) *Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.*

†In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit" it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman of the present General Report.

This list is that drawn up at the second Peace Conference by the Committee charged with the special study of the question of contraband. It was the result of mutual concessions, and it has not seemed wise to reopen discussion on this subject for the purpose of either cutting out or of adding articles.

The words *de plein droit* (without notice) imply that the provision becomes operative by the mere fact of the war, and that no declaration by the belligerents is necessary. Trade is already warned in time of peace.

23. *Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.*

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

Certain discoveries or inventions might make the list in Article 22 insufficient. An addition may be made to it on condition that it concerns articles *exclusively used for war*. This addition must be notified to the other Powers, which will take the necessary measures to inform their subjects of it. In theory the notification may be made in time of peace or of war. The former case will doubtless rarely occur, because a State which made such a notification might be suspected of meditating a war; it would, nevertheless, have the advantage of informing trade beforehand. There was no reason for making it impossible.

The right given to a Power to make an addition to the list by a mere declaration has been thought too wide. It should be noticed that this right does not involve the dangers supposed. In the first place, it is understood that the declaration is only operative for the Power which makes it, in the sense that the article added will only be contraband for it, as a belligerent; other States may, of course, also make a similar declaration. The addition may only refer to articles *exclusively used for war*; at present, it would be hard to mention any such articles which are not included in the list. The future is left free. If a Power claimed to add to the list of absolute contraband articles not exclusively used for war, it might expose itself to diplomatic remonstrances, because it would be disregarding an accepted rule. Beside there would be an eventual resort to the International Prize Court. Suppose that the Court holds that the article mentioned in the declaration of absolute contraband is wrongly placed there because it is not exclusively used for war, but that it might have been included in a declaration of conditional contraband. Confiscation may then be justified if the capture was made in the conditions laid down for this kind of contraband (Articles 33—35), which differ from those enforced for absolute contraband (Article 30).

It has been suggested that, in the interest of neutral trade, a period should elapse between the notification and its enforcement. But that would be very damaging to the belligerent, whose object is precisely to protect himself, since, during that period, the trade in articles which he thinks dangerous would be free and the effect of his measure a failure. Account has been taken, in another form, of the considerations of equity which have been adduced (see Article 43).

*24. *The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, be treated as contraband of war, under the name of conditional contraband :—*

- (1) *Foodstuffs.*
- (2) *Forage and grain, suitable for feeding animals.*
- (3) *Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.*
- (4) *Gold and silver in coin or bullion; paper money.*
- (5) *Vehicles of all kinds available for use in war, and their component parts.*
- (6) *Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.*
- (7) *Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.*
- (8) *Balloons and flying machines and their distinctive component parts; together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.*
- (9) *Fuel; lubricants.*
- (10) *Powder and explosives not specially prepared for use in war.*
- (11) *Barbed wire and implements for fixing and cutting the same.*
- (12) *Horseshoes and shoeing materials.*
- (13) *Harness and saddlery.*
- (14) *Field glasses, telescopes, chronometers, and all kinds of nautical instruments.*

On the expression *de plein droit* (without notice) the same remark must be made as with regard to Article 22. The articles enumerated are only conditional contraband if they have the destination specified in Article 33.

Foodstuffs include products necessary or useful for sustaining man, whether solid or liquid.

Paper money only includes inconvertible paper money, *i.e.*, banknotes which may or not be legal tender. Bills of exchange and cheques are excluded.

Engines and boilers are included in (6).

Railway material includes fixtures (such as rails, sleepers, turntables, parts of bridges), and rolling stock (such as Locomotives, carriages, and trucks).

25. *Articles susceptible of use in war as well as for the purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.*

This provision corresponds, as regards conditional contraband, to that in Article 23 as regards absolute contraband.

26. *If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.*

*See note to Article 22.

A belligerent may not wish to use the right to treat as contraband of war all the articles included in the above lists. It may suit him to add conditional contraband an article included in absolute contraband or to declare free, so far as he is concerned, the trade in some article included in one class or the other. It is desirable that he should make known his intention on this subject, and he will probably do so in order to have the credit of the measure. If he does not do so, but confines himself to giving instructions to his cruisers, the vessels searched will be agreeably surprised if the searcher does not reproach them with carrying what they themselves consider contraband. Nothing can prevent a Power from making such a declaration in time of peace. See what is said as regards Article 23.

27. *Articles which are not susceptible of use in war may not be declared contraband of war.*

The existence of a so-called *free list* (Article 28) makes it useful thus to put on record that articles which cannot be used for purposes of war may not be declared contraband of war. It might have been thought that articles not included in that list might at least be declared conditional contraband.

28. *The following may not be declared contraband of war :—*

- (1) *Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.*
- (2) *Oil seeds and nuts ; copra.*
- (3) *Rubber, resins, gums and lacs ; hops.*
- (4) *Raw hides and horns, bones and ivory.*
- (5) *Natural and artificial manures, including nitrates and phosphates for agricultural purposes.*
- (6) *Metallic ores.*
- (7) *Earths, clays, lime, chalk, stone, including marble, bricks, slates and tiles.*
- (8) *Chinaware and glass.*
- (9) *Paper and paper-making materials.*
- (10) *Soap, paint and colours, including articles exclusively used in their manufacture and varnish.*
- (11) *Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.*
- (12) *Agricultural, mining, textile, and printing machinery.*
- (13) *Precious and semi-precious stones, pearls, mother-of-pearl, and coral.*
- (14) *Clocks and watches, other than chronometers.*
- (15) *Fashion and fancy goods.*
- (16) *Feathers of all kinds, hairs and bristles.*
- (17) *Articles of household furniture and decoration ; office furniture and requisites.*

To lessen the drawbacks of war as regards neutral trade it has been thought useful to draw up this so-called *free list*, but this does not mean, as has been explained above, that all articles outside it might be declared contraband of war.

The *ores* here referred to are the product of mines from which metals are derived.

There was a demand that *dyestuffs* should be included in (10), but this seemed too general, for there are materials from which colours are derived, such as coal, which also have other uses. Products only used for making colours enjoy the exemption.

"Articles de Paris," an expression the meaning of which is universally understood, come under (15).

(16) refers to the hair of certain animals, such as pigs and wild boars.

Carpets and mats come under household furniture and ornaments (17).

29. *Likewise the following may not be treated as contraband of war :-*

(1) *Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and, subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.*

(2) *Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.*

The articles enumerated in Article 29 are also excluded from treatment as contraband, but for reasons different from those which have led to the union of the list in Article 28.

Motives of humanity have exempted articles exclusively used to aid the sick and wounded, which, of course, include drugs and different medicines. This does not refer to hospital-ships, which enjoy special immunity under the convention of The Hague of the 18th October, 1907, but to ordinary merchant vessels, whose cargo includes articles of the kind mentioned. The cruiser has, however, the right, in case of urgent necessity, to requisition such articles for the needs of her crew or of the fleet to which she belongs, but they can only be requisitioned on payment of compensation. It must, however, be observed that this right of requisition may not be exercised in all cases. The articles in question must have the destination specified in Article 30, that is to say, an enemy destination. Otherwise, the ordinary law regains its sway; a belligerent could not have the right of requisition as regards neutral vessels on the high seas.

Articles intended for the use of the vessel, which might in themselves and by their nature, be contraband of war, may not be so treated,—for instance, arms intended for the defence of the vessel against pirates or for making signals. The same is true of articles intended for the use of the crew and passengers during the voyage; the crew here includes all persons in the service of the vessel in general.

Destination of Contraband.—As has been said, the second element in the notion of contraband is *destination*. Great difficulties have arisen on this subject, which find expression in the *theory of continuous voyage*, so often attacked or adduced without a clear comprehension of its exact meaning. Cases must simply be considered on their merits so as to see how they can be settled without unnecessarily annoying neutrals or sacrificing the legitimate rights of belligerents.

In order to effect a compromise between conflicting theories and practices, absolute and conditional contraband have been differently treated in this connection.

Articles 30 to 32 refer to absolute, and Articles 33 to 36 to conditional, contraband.

30. *Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.*

The articles included in the list in Article 22 are absolute contraband when they are destined for territory belonging to or occupied by the enemy, or for his armed military or naval force. These articles are liable to capture as soon as a final destination of this kind can be shown by the captor to exist. It is not, therefore, the destination of the vessel which is decisive, but that of the goods. It makes no difference if these goods are on board a vessel which is to discharge them in a neutral port; as soon as the captor is able to show that they are to be forwarded from there by land or sea to an enemy country, it is enough to justify the capture and subsequent condemnation of the cargo. The very principle of continuous voyage, as regards absolute contraband, is established by Article 30. The journey made by the goods is regarded as a whole.

31. *Proof of the destination specified in Article 30 is complete in the following cases :—*

- (1) *When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.*
- (2) *When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.*

As has been said, the obligation of proving that the contraband goods really have the destination specified in Article 30 rests with the captor. In certain cases proof of the destination specified in Article 31 is *conclusive*, that is to say, the proof may not be rebutted.

First Case.—The goods are *documented* for discharge in an enemy port, that is to say, according to the ship's papers referring to those goods, they are to be discharged there. In this case there is a real admission of enemy destination on the part of the interested parties themselves.

Second Case.—The vessel is to touch at enemy ports only; or she is to touch at an enemy port before reaching the neutral port for which the goods are documented, so that although these goods, according to the papers referring to them, are to be discharged in a neutral port, the vessel carrying them is to touch at an enemy port before reaching that neutral port. They will be liable to capture, and the possibility of proving that their neutral destination is real and in accordance with the intentions of the parties interested is not admitted. The fact that, before reaching that destination, the vessel will touch at an enemy port, would occasion too great a risk for the belligerent whose cruiser searches the vessel. Even without assuming that there is intentional fraud, there might be a strong temptation for the master of the merchant vessel to discharge the contraband, for which he would get a good price, and for the local authorities to requisition the goods.

The same case arises where the vessel, before reaching the neutral port, is to join the armed forces of the enemy.

For the sake of simplicity, the provision only speaks of an *enemy port*, but it is understood that a *port occupied by the enemy* must be regarded as an enemy port as follows from the general rule in Article 30.

32. *Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.*

The papers, therefore, are conclusive proof of the course of the vessel unless she is encountered in circumstances which show that their statements are not to be trusted. See also the explanations given as regards Article 35.

33. *Conditional contraband is liable to capture if it is shown to be destined for the use of the armed or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).*

The rules for conditional contraband differ from those laid down for absolute contraband in two respects: (1) there is no question of destination for the enemy in general, but of destination for the use of his armed forces or government departments; (2) the doctrine of continuous voyage is excluded. Articles 33 and 34 refer to the first and Article 35 to the second principle.

The articles included in the list of conditional contraband may serve for peaceful uses as well as for hostile purposes. If, from the circumstances, the peaceful purpose is clear, their capture is not justified; it is otherwise if a hostile purpose is to be assumed, as, for instance, in the case of foodstuffs destined for an enemy army or fleet, or of coal destined for an enemy fleet. In such a case there is clearly no room for doubt. But what is the solution when the articles are destined for the civil government departments of the enemy State? It may be money sent to a government department, for use in the payment of its official salaries, or rails sent to a department of public works. In these cases there is *enemy destination* which renders the goods liable in the first place to capture, and in the second to condemnation. The reasons for this are at once legal and practical. The State is one, although it necessarily acts through different departments. If a civil department may freely receive foodstuffs or money, that department is not the only gainer, but the entire State, including its military administration gains also, since the general resources of the State are thereby increased. Further, the receipts of a civil department may be considered of greater use to the military administration and directly assigned to the latter. Money or foodstuffs really destined for a civil department may thus come to be used directly for the needs of the army. This possibility, which is always present, shows why destination for the departments of the enemy State is assimilated to that for its armed forces.

It is the *departments of the State* which are dependent on the central power that are in question, and not all the departments which may exist in the enemy State; local and municipal bodies, for instance, are not included, and articles destined for their use would not be contraband.

War may be waged in such circumstances that destination for the use of a civil department cannot be suspected, and consequently cannot make good contraband. For instance, there is a war in Europe, and the colonies of the belligerent countries are not, in fact, affected by it. Foodstuffs or other articles in the list of conditional contraband destined for the use of the civil government of a colony would not be held to be contraband of war, because the considerations adduced above do not apply to their case; the resources of the civil government cannot be drawn on for the needs of the war. Gold, silver, or paper money are exceptions, because a sum of money can easily be sent from one end of the world to the other.

34. *The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country, who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.*

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

Contraband articles will not usually be directly addressed to the military authorities or to the government departments of the enemy State. Their true destination will be more or less concealed, and the captor must prove it in order to justify their capture. But it has been thought reasonable to set up presumptions based on the nature of the person to whom, or place for which, the articles are destined. It may be an enemy authority or a trader established in an enemy country who, as a matter of common knowledge, supplies the enemy Government with articles of the kind in question. It may be a fortified place belonging to the enemy or a place used as a base, whether of operations or of supply, for the armed forces of the enemy.

This general presumption may not be applied to the merchant vessel herself on her way to a fortified place, though she may in herself be conditional contraband, but only if her destination for the use of the armed forces or Government Department of the enemy State is directly proved.

In the absence of the above presumptions, the destination is presumed to be innocent. That is the ordinary law, according to which the captor must prove the illicit character of the goods which he claims to capture.

Finally, all the presumptions thus set up in the interest of the captor or against him may be rebutted. The national tribunals, in the first place, and, in the second, the International Court, will exercise their judgment.

35. *Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.*

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

As has been said above, the doctrine of continuous voyage is excluded for conditional contraband, which is only liable to capture when it is to be discharged in an enemy port. As soon as the goods are documented for discharge in a neutral port they can no longer be contraband, and no examination will be made as to whether they are to be forwarded to the enemy by sea or land from that neutral port. It is here that the case of absolute contraband is essentially different.

The ship's papers furnish complete proof as to the voyage on which the vessel is engaged and as to the place where the cargo is to be discharged ; but this would not be so if the vessel were encountered clearly out of the course which she should follow according to her papers, and unable to give adequate reasons to justify such deviation.

This rule as to the proof furnished by the ship's papers is intended to prevent claims frivolously raised by a cruiser and giving rise to unjustifiable captures. It must not be too literally interpreted, for that would make all frauds easy. Thus it does not hold good when the vessel is encountered at sea clearly out of the course which she ought to have followed, and unable to justify such deviation. The ship's papers are then in contradiction with the true facts and lose all value as evidence ; the cruiser will be free to decide according to the merit of the case. In the same way, a search of the vessel may reveal facts which irrefutably prove that her destination or the place where the goods are to be discharged is incorrectly entered in the ship's papers. The commander of the cruiser is then free to judge of the circumstances and capture the vessel or not according to his judgment. To resume, the ship's papers are proof, unless facts show their evidence to be false. This qualification of the value of the ship's papers as proof seems self-evident and unworthy of special mention. The aim has been not to appear to weaken the force of the general rule which forms a safeguard for neutral trade.

It does not follow that, because a single entry in the ship's papers is shown to be false, their evidence loses its value as a whole. The entries which cannot be proved false retain their value.

36. *Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.*

The case contemplated is certainly rare, but has nevertheless arisen in recent wars. In the case of absolute contraband, there is no difficulty, since destination for the enemy may always be proved, whatever the route by which the goods are sent (Article 30). For conditional contraband the case is different, and an exception must be made to the general rule laid down in Article 35, paragraph 1, so as to allow the captor to prove that the suspected goods really have the special destination referred to in Article 33 without the possibility of being confronted by the objection that they were to be discharged in a neutral port.

37. *A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.*

The vessel may be captured for contraband during the whole of her voyage, provided that she is in waters where an act of war is lawful. The fact that she intends to touch at a port of call before reaching the enemy destination does not prevent capture, provided that destination in her particular case is proved in conformity with the rules laid down in Articles 30 to 32 for absolute, and in Articles 33 to 35 for conditional contraband, subject to the exception provided for in Article 36.

38. *A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.*

A vessel is liable to capture for carrying contraband, but not for having done so.

39. *Contraband goods are liable to condemnation.*

This presents no difficulty.

40. *A vessel carrying contraband may be condemned if the contraband reckoned either by value, weight, volume or freight, forms more than half the cargo.*

It was universally admitted that in certain cases the condemnation of the contraband is not enough, and that the vessel herself should also be condemned, but opinions differed as to what these cases were. It was decided that the contraband must bear a certain proportion to the total cargo. But the question divides itself into two parts: (1) what shall be the proportion? The solution adopted is the mean between those proposed, which varied from a quarter to three quarters. (2) How shall this proportion be reckoned? Must the contraband form more than half the cargo in volume, weight, value or freight? The adoption of a single fixed standard gives rise to theoretical objections, and also to practices intended to avoid condemnation of the vessel in spite of the importance of the cargo. If the standard of volume or weight is adopted, the master will ship innocent goods occupying space, or weight, sufficient to exceed the contraband. A similar remark may be made as regards the standard of value or freight. The consequence is that, in order to justify condemnation, it is enough that the contraband should form more than half the cargo by any one of the above standards. This may seem harsh; but, on the one hand, any other system would make fraudulent calculations easy, and, on the other, the condemnation of the vessel may be said to be justified when the carriage of contraband formed an important part of her venture—a statement which applies to all the cases specified.

41. *If a vessel carrying contraband is released, she is liable for the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.*

It is not just that, on the one hand, the carriage of more than a certain proportion of contraband should involve the condemnation of the vessel, while if the contraband forms less than this proportion, it alone is confiscated. This often involves no loss for the master, the freight of this contraband, having been paid in advance. Does this not encourage trade in contraband, and ought not a certain penalty to be imposed for the carriage of a proportion

of contraband less than that required to entail condemnation? A kind of fine was proposed which should bear a relation to the value of the contraband articles. Objection of various sorts were brought forward against this proposal, although the principle of the infliction of some kind of pecuniary loss for the carriage of contraband seemed justified. The same object was attained in another way by providing that the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and of the custody of the vessel and of her cargo during the proceedings are to be paid by the vessel. The expenses of the custody of the vessel include in this case the keep of the captured vessel's crew. It should be added that the loss to a vessel by being taken to a prize port and kept there is the most serious deterrent as regards carriage of contraband.

42. *Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.*

The owner of the contraband is punished in the first place by the condemnation of his contraband property; and in the second by that of the goods, even if innocent, which he may possess on board the same vessel.

43. *If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.*

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband, provided such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

This provision is intended to spare neutrals who might in fact be carrying contraband, but against whom no charge could be made. This may arise in two cases. The first is that in which they are unaware of the outbreak of hostilities; the second is that in which, though aware of this, they do not know of the declaration of contraband made by a belligerent, in accordance with Articles 23 and 25, which is, as it happens, the one applicable to the whole or a part of the cargo. It would be unjust to capture the ship and condemn the contraband; on the other hand, the cruiser cannot be obliged to let go on to the enemy goods suitable for use in the war, of which he may stand in urgent need. These opposing interests are reconciled by making condemnation conditional on the payment of compensation, see the Convention of 18th October, 1907, on the rules for enemy merchant vessels on the outbreak of hostilities, which express a similar idea.

44. *A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.*

The delivery of the contraband must be entered by the captor on the log-book of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

A neutral vessel is stopped for carrying contraband. She is not liable to condemnation, because the contraband does not reach the proportion specified in Article 40. She can nevertheless be taken to a prize port for judgment to be passed on the contraband. This right of the captor appears too wide in certain cases, if the importance of the contraband, possibly slight (for instance, a case of guns or revolvers), is compared with the heavy loss incurred by the vessel by being thus turned out of her course and detained during the time taken up by the proceedings. The question has, therefore, been asked whether the right of the neutral vessel to continue her voyage might not be admitted if the contraband articles were handed over to the captor, who, on his part, might only refuse to receive them for sufficient reasons, for instance, the rough state of the sea, which would make transshipment difficult or impossible, well-founded suspicions as to the amount of contraband which the merchant vessel is really carrying, the difficulty of stowing the articles on board the warship, etc. This proposal did not gain sufficient support. It was alleged to be impossible to impose such an obligation on the cruiser, for which this handing over of goods would almost always have drawbacks. If, by chance, it has none, the cruiser will not refuse it, because she herself will gain by not being turned out of her course by having to take the vessel to a port. The idea of an obligation having thus been excluded, it was decided to provide for the voluntary handing over of the contraband, which, it is hoped, will be carried out whenever possible, to the great advantage of both parties. The formalities provided for are very simple and need no explanation.

There must be judgment of a prize court as regards the goods thus handed over. For this purpose the captor must be furnished with the necessary papers. It may be supposed that there might be doubt as to the character of certain articles which the cruiser claims as contraband; the master of the merchant vessel contests this claim, but prefers to deliver them up so as to be at liberty to continue his voyage. This is merely a capture which has to be confirmed by the prize court.

The contraband delivered up by the merchant vessel may hamper the cruiser which must be left free to destroy it at the moment of handing over or later.

Chapter III.—Unneutral Service.

* * * * *

Chapter IV.—Destruction of Neutral Prizes.

* * * * *

Chapter V.—Transfer to a Neutral Flag.

* * * * *

Chapter VI.—Enemy Character.

The rule in the Declaration of Paris, that "the neutral flag covers enemy goods, with the exception of contraband of war," corresponds so closely with the advance of civilization, and has taken so firm a hold on the public mind that it is impossible, in the face of so extensive an application, to avoid seeing in that rule the embodiment of a principle of the common law of nations which can no longer be disputed. The determination of the neutral or enemy character of merchant vessels accordingly decides not only the question of the validity of their capture, but also the fate of the non-contraband goods on board. A similar general observation may be made with reference to the neutral or enemy character of goods. No one thinks of contesting to-day the principle according to which "neutral goods, with the exception of contraband of war, are not liable to capture on board an enemy ship." It is, therefore, only in respect of goods found on board an enemy ship that the question whether they are neutral or enemy property arises.

The determination of what constitutes neutral or enemy character thus appears as a development of the two principles laid down in 1856, or rather as a means of securing their just application in practice.

The advantage of deducing from the practices of different countries some clear and simple rules on this subject may be said to need no demonstration. The uncertainty as to the risk of capture, if it does not put an end to trade, is at least the most serious of hindrances to its continuance. A trader ought to know the risks which he runs in putting his goods on board this or that ship, while the underwriter, if he does not know the extent of those risks, is obliged to charge war premiums which are often either excessive or else inadequate.

The rules which form this chapter are, unfortunately, incomplete; certain important points had to be laid aside, as has been already observed in the introductory explanations, and as will be further explained below.

57. *Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.*

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of this rule, and is in nowise affected by it.

The principle, therefore, is that *the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.* It is a simple rule which appears satisfactorily to meet the special case of ships, as distinguished from that of other movable property, and notably of the cargo. From more than one point of view, ships may be said to possess an individuality; notably they have a nationality, a national *character*. This attribute of nationality finds visible expression in the right to fly a flag; it has the effect of placing ships under the protection and control of the State to which they belong; it makes them amenable to the sovereignty and to the laws of that State, and liable to requisition, should the occasion arise. Here is the surest test of whether a vessel is really a unit in the merchant marine of a country, and here therefore the best test by which to decide whether her character is neutral or enemy. It is, moreover, preferable to rely exclusively upon this test, and to discard all considerations connected with the personal status of the owner.

The text makes use of the words "the flag which the vessel is entitled to fly;" the expression means, of course, the flag under which, whether she is actually flying it or not, the vessel is entitled to sail according to the municipal laws which govern that right.

Article 57 safeguards the provisions respecting transfer to another flag, as to which it is sufficient to refer to Articles 55 and 56; a vessel may very well have the right to fly a neutral flag, as far as the law of the country to which she claims to belong is concerned, but may be treated as an enemy vessel by a belligerent, because the transfer in virtue of which she has hoisted the neutral flag is annulled by Article 55 or Article 56.

Lastly, the question was raised whether a vessel loses her neutral character when she is engaged in a trade which the enemy, prior to the war, reserved exclusively for his national vessels; but as has been observed above in connection with the subject of *Unneutral Service*, no agreement was reached, and the question remains an open one, as the second paragraph of Article 57 is careful to explain.

58. *The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.*

Unlike ships, goods have no individuality of their own; the neutral or enemy character is made to depend upon the personal status of their owner. This opinion prevailed after an exhaustive study of different views, which inclined towards reliance on the country of origin of the goods, the status of the person at whose risk they are, of the consignee, or of the consignor. The test adopted in Article 58 appears, moreover, to be in conformity with the terms of the Declaration of Paris, as also with those of the convention of The Hague of the 18th October, 1907, relative to the establishment of an International Prize Court, where the expression *neutral or enemy property* is used (Articles 1, 3, 4, 8.)

But it cannot be concealed that Article 58 solves no more than a part of the problem, and that the easier part; it is the neutral or enemy character of the owner which determines the character of the goods, but what is to determine the neutral or enemy character of the owner? On this point nothing is said, because it was found impossible to arrive at an agreement. Opinions were divided between *domicile* and *nationality*; no useful purpose will be served by reproducing here the arguments adduced to support the two positions. It was hoped that a compromise might have been reached on the basis of a clause to the following effect:—

"The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of no nationality or of double nationality (*i.e.*, both neutral and enemy), by his domicile in a neutral or enemy country.

"Provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral or enemy country."

But there was no unanimity.

59. *In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.*

Article 59 gives expression to the traditional rule according to which goods found on board an enemy vessel are, failing proof to the contrary, presumed to be enemy goods; this is merely a simple presumption, which leaves to the claimant the right, but at the same time the onus, of proving his title.

60. *Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.*

If, however, prior to the capture, a formal neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognised legal right to recover the goods, they regain their neutral character.

This provision contemplates the case where goods which were enemy property at the time of dispatch have been the subject of a sale or transfer during the course of the voyage. The case with which enemy goods might secure protection from the exercise of the right of capture by means of a sale which is made subject to a reconveyance of the property on arrival has always led to a refusal to recognise such transfers. The enemy character subsists.

With regard to the moment from which goods must be considered to acquire and retain the enemy character of their owner, the text has been inspired by the same spirit of equity as governed the convention of The Hague, relative to the status of merchant vessels on the outbreak of hostilities, and by the same desire to protect mercantile operations undertaken in the security of a time of peace. It is only when the transfer takes place after the outbreak of hostilities that it is, so far as the loss of enemy character is concerned, inoperative until the arrival of the goods in question. The date which is taken into consideration here is that of the transfer, and not of the departure of the vessel. For, while the vessel which started before the war began, and remains, perhaps, unaware of the outbreak of hostilities, may enjoy on this account some degree of exemption, the goods may nevertheless possess enemy character; the enemy owner of these goods is in a position to be aware of the state of war, and it is for that very reason that he is likely to seek to evade its consequences.

It was, however, thought right to add what is, if not a limitation, at least a complement agreed to be necessary. In a great number of countries an unpaid vendor has, in the event of the bankruptcy of the buyer, a recognised legal right to recover the goods which have already become the property of the buyer but not yet reached him (*stoppage in transitu*). In such a case the sale is cancelled, and, in consequence of the recovery, the vendor obtains the goods again and is not deemed ever to have ceased to be the owner. This right gives to neutral commerce, in the case of a genuine bankruptcy, a protection too valuable to be sacrificed, and the second paragraph of Article 60 is intended to preserve it.

Chapter VII.—Convoy.

* * * *

Chapter VIII.—Resistance to Search.

* * * *

Chapter IX.—Compensation.

* * * *

ORDER IN COUNCIL OF 20TH AUGUST 1914, ADOPTING
WITH MODIFICATIONS
THE DECLARATION OF LONDON, AT THE COURT AT
BUCKINGHAM PALACE.

The 20th day of August, 1914.

“PRESENT:

The King's Most Excellent Majesty in Council.

Whereas during the present hostilities the Naval Forces of His Majesty will co-operate with the French and Russian Naval Forces, and

Whereas it is desirable that the naval operations of the allied forces so far as they affect neutral ships and commerce should be conducted on similar principles, and

Whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the Convention known as the Declaration of London, signed on the 26th day of February, 1909, so far as may be practicable.

Now, therefore, His Majesty, by and with the advice of His Privy Council is pleased to order, and it is hereby ordered, that during the present hostilities the Convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty:—

The additions and modifications are as follows:—

- * (1) The lists of absolute and conditional contraband contained in the Proclamation dated August 4th, 1914, shall be substituted for the lists contained in Articles 22 and 24 of the said Declaration.
- (2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.
- (3) The destination referred to in Article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article 34) shall be presumed to exist if the goods are consigned to or for an agent of the Enemy State or to or for a merchant or other person under the control of the authorities of the Enemy State.

The existence of a blockade shall be presumed to be known:—

- (a) to all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade of the local authorities to have enabled the enemy Government to make known the existence of the blockade,
- (b) to all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

*For the Proclamation of the 4th August 1914, see page 480.

- (5) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.
- (6) The General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the Conference at the eleventh plenary meeting on February 25th, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such Courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

ORDER IN COUNCIL OF 29TH OCTOBER 1914 *re* THE DECLARATION
OF LONDON.

POLITICAL DEPARTMENT.

Bombay Castle, 30th November 1914.

*No. 3641-W.—The following Notification by the Government of India, Department of Commerce and Industry, is republished :—

“MERCHANT SHIPPING.

No. 1203-W., dated Delhi, the 28th November 1914.

In supersession of the Notification in this Department, No. 9848, dated the 19th September 1914, the following ‘Order in Council’ is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE.

The 29th day of October 1914.

PRESENT :

The King's Most Excellent Majesty in Council.

WHEREAS by an Order in Council dated the 20th day of August 1914, His Majesty was pleased to declare that during the present hostilities the Convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government ; and

Whereas the said additions and modifications were rendered necessary by the special conditions of the present war ; . and

Whereas it is desirable and possible now to re-enact the said Order in Council with amendments in order to minimise, so far as possible, the interference with innocent neutral trade occasioned by the war :

Now, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows :—

1. During the present hostilities the provisions of the Convention known as the Declaration of London shall, subject to the exclusion of the lists of contraband and non-contraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows :—

- (i) A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.
- (ii) The destination referred to in Article 33 of the said Declaration shall (in addition to the presumptions laid down in Article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.
- (iii) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned ' to order,' or if the ship's papers do not show who is the consignee of the goods or if they show a consignee of the goods in territory belonging to or occupied by the enemy.
- (iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's Principal Secretaries of State that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, Article 35 of the said Declaration shall not apply. Such direction shall be notified in the ' London Gazette ' and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The Order in Council of the 20th August 1914 directing the adoption and enforcement during the present hostilities of the Convention known as the Declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This Order may be cited as ' the Declaration of London Order in Council No. 2, 1914.'

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

(Signed) R. E. ENTHOVEN,

Secretary to the Government of India."

ROYAL PROCLAMATION OF 4TH AUGUST 1914, REFERRED TO IN
THE ORDER IN COUNCIL OF 20TH AUGUST 1914.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

"CUSTOMS.

Simla, the 7th September, 1914.

No. 8982.—In supersession of the Notification in this Department No. 6808-Customs, dated the 6th August 1914, the following Royal Proclamation is published for general information :—

BY THE KING.

† A PROCLAMATION.

GEORGE, R. I.

Whereas a state of war exists between Us on the one hand and the German Empire on the other :

And whereas it is necessary to specify the articles which it is Our intention to treat as Contraband of War :

Now, therefore, We do hereby declare, by and with the advice of Our Privy Council that during the continuance of the War or until We do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

Given at Our Court at Buckingham Palace this fourth day of August in the year of Our Lord, one thousand nine hundred and fourteen and in the fifth year of Our Reign.

GOD SAVE THE KING.

† See Appendix II and Articles 22 and 24 of the Declaration.

SCHEDULE I.

The following articles will be treated as absolute contraband :—

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.
5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draught, and pack animals suitable for use in war.
8. Articles of camp equipment and their distinctive component parts.
9. Armour plates.
10. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognisable as intended for use in connection with balloons and aircraft.
12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war materials for use on land and sea.

SCHEDULE II.

The following articles will be treated as conditional contraband :—

1. Foodstuffs.
2. Forage and grains, suitable for feeding animals.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Gold and silver in coin or bullion : paper money.
5. Vehicles of all kinds available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds ; floating docks, parts of docks, and their component parts.
7. Railway material, both fixed and rolling-stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel : lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Barbed wire and implements for fixing and cutting the same.
11. Horse-shoes and shoeing materials.
12. Harness and saddlery.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

R. E. ENTHOVEN,

Secretary to the Government of India."

THE CUSTOMS (EXPORTATION PROHIBITION) ACT 1914, 4 & 5
 GEO. V, CH. 64.

CHAPTER 64.

CUSTOMS AND INLAND REVENUE ACT, 1879.

[28th August 1914.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows :—

1. Section eight of the Customs and Inland Revenue Act, 1879, (which Extension of enables the exportation of certain articles to be prohibited 42 and 43 Vict. shall have effect, whilst a state of war in which His Majesty c. 21. s. 8. is engaged, exists, as if, in addition the articles there mentioned, there were included all other articles of every description.
 2. Any Proclamation or Order in Council made under the said section as so amended may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.
 3. This Act may be cited as the Customs (Exportation Prohibition) Act, 1914.
-

GENERAL INDEX.

Abetment—	PAGE.
Of offences under Proclamation of 5th August 1914	181
Of offences under Proclamation of 9th September 1914	407
Acts of the Governor General— See Table of Statutes.	
Acts of Parliament— See Table of Statutes.	
Aden— Custodian of enemy property for	449
Aiding—	
And comforting the enemy	32, 34
Alien— See Enemy.	
Allies— Obligations of	43
Arbitration—	
Clause for, enforceable	121
Asiatic—	
Subjects of Ottoman Empire	131
License to same	132, 256
Assignment—	
Of debts by enemies	106
Attempts—	
To contravene Proclamations or Orders in Council relating to trading with the enemy	153
To contravene Ordinance III of 1914	154, 160
To contravene Ordinance VI of 1914	153, 169
Austria-Hungary—	
Declaration of war with	79, 156
Extension of Proclamations, etc., to	82, 86, 192
Enemy country includes	192
Austrian-Lloyd Steam Navigation Co. license cancelled	442
Banking Business—	
With Enemy Branches, Treasury explanation	93, 417
With Enemy Branches, Proclamation of 7th Jan. 1915 as to	93, 243, 417
Basrah—	
Export to, prohibited	390
Belgium—	
Import of goods from, into India* allowed on conditions.	391
Company registered in, whether an "enemy"	87, 88
Berar—	
Application of certain Ordinances to,	437

Bills of Exchange—See Negotiable Instruments.	PAGE.
Bill of Lading,—Goods imported on through	282,293
Blockade—	
Distinguished from war	2
As referred to in Declaration of London	461
Board of Trade—	
Powers of, to grant licenses to trade,	140
Notice to Importers and Exporters of 9th Oct. 1914	66, 116, 205
" " " " " 7th Nov. 1914	66, 75, 116, 218
" " " " " 26th Apr. 1915	67, 76, 116, 277
" " Exporters of 16th Aug. 1915	76, 327
Announcement as to British cargoes in enemy ships in neutral ports.	147, 415
Bombay—	
Government of, empowered to grant certificates under Ord. VI of 1914.	166
Appointment of Controller of Hostile Trading Concerns for 133,432,433,446,449	
Appointment of Custodian of Enemy Property for	133,449
Branches of Enemy's Business—	
When Proclamation of 5th Aug. 1914, not to apply to	81,181
When Proclamation of 9th Sept. 1914, not to apply to	87,407
In China, Siam, Persia or Morocco... .. .	298
In neutral territory	89,405
Treasury Explanation as to trade with	408
British Possessions—	
Powers of Governors of, to grant licenses to trade with the enemy	128
Cyprus—now a (footnote)	218
Status of Egypt	131
British Subjects—See Naturalization, and Enemy.	
British Vessels—	
Prohibited from carrying contraband	62,86,181
When considered as trading with the enemy	125
Prohibited from carrying cargo from or to foreign ports	363
Bulgaria—	
State of war with, notified	79, 157
Extension to, of Proclamations and Orders in Council in force. 77, 84, 352, 424	
Hostile Foreigners (Bulgarian) Trading Order	132,448
Cargoes—	
Carriage of, in British Ships, prohibited to foreign ports	363
Payment allowed in respect of, of British owners in enemy ships in neutral ports	9, 147, 415
Term "enemy" as applied to ships and	404
Certificates of Origin—	
Form of, required for goods imported from certain countries.	60,116,205,278,293
Board of Trade Notice of 9th Oct. 1914 as to	60, 66,, 205
By whom to be signed	60
Notification adding the words "or order" to the form.. .. .	260
As to goods imported into Russia	328
China—	
Trading with enemies resident in, Siam, Persia and Morocco	76, 297

	PAGE.
Controllers of Hostile Concerns—	
Appointment of, for Bombay	133,432,433,446,449
Appointment of, for Calcutta	433,434
Appointment of, as Custodian of Enemy Property for Bombay	133,447
Appointment of, as Custodian of Enemy Property for Calcutta ..	434
Custodian—	
Of Enemy Property—See Enemy Trading Act.	
In Madras, appointment of	434
In Bombay and Calcutta— <i>vide supra</i> .	
Customs (Exportation Prohibition) Act, 1914—	
Text of	482
Cyprus—	
Not included in Turkish Territories	218
Days of Grace—	
Order of Council granting, to enemy merchant ships	48, 176
Notification as to not allowing	75, 426
In case of Turkish ships	75, 218
In case of Bulgarian Ships.	353
Articles in the Hague Convention as to,	48,49
Declaration of London, The—	
Author's forenote to	455
Translation of original French Text of	456
Report of Drafting Committee as to	461
" " " how to be construed	478
Declaration of Order of Council No. I, adopting	477
Declaration of Order of Council No. II, do.	478
Order in Council of 20th Aug. 1914 as to, discussed	65
Order in Council of 29th Oct. 1914 as to, do.	67
Order in Council of 30th Mar. 1916 as to	392
Declarations of Ultimate Destination—	
Forms of as required	60, 66, 208, 221, 277, 286
Addition of words " or for transit through " to form of ..	261
Declaration of War—	
No formal, is necessary	3
War may exist <i>de facto</i> without	3
Is equal to an Act of Parliament	3
Articles of Hague Convention as to	4
Notifications of, during the present war	156
Designs.—See Patents, Trade Marks.	
Diamonds—unset, importation into United Kingdom prohibited	318
" rough, exportation prohibited	319, 366
" unset, importation into India prohibited	359, 379
Directors and Officers—	
Of Company —See Company.	
Dividends—	
Payment of, to or for an enemy provided for	98, 167
Press Note of Board of Trade as to dividend restrictions ..	414
Domicile—	
Effect of, of British subjects in hostile State	15

	PAGE.
Effect of, of British subjects in neutral States	15
Change of, during war must be bona fide	6, 13
Commercial	14
Description of kinds of	8
In hostile State constitutes adherence to enemy	15, 16
Domicile in case of corporations	24
Matrimonial	23
Resumption of native	8, 13
Time the grand test in fixing enemy status by	9, 11, 12
Egypt—	
Is now constituted a British Protectorate	131
Embargoes—See War.	
Emergency Legislation Continuance Act, 1915	131, 159
Enemy and Enemies—	
Adherence to King's	25, 32, 33
Asiatic subjects of Ottoman Empire	131, 256
Branches—See Branches.	
British subject when an	7, 15, 144
By birth	5
By participating in hostilities	6
By naturalization	6
By residence or trade	7, 15
By commercial domicile	14
Contracts with, during war are void	34, 127
Corporations	28, 89, 335, 422, 430
Country	87, 180, 192, 218, 354
Definition of, in Proclamations, discussed	26, 87, 89, 421
Financial assistance to	33, 402
Habeas Corpus proceedings, inapplicable to	6
As applied to ships and cargo	404
Insurances with or for benefit of,—See Insurances.	
Licenses to—See License.	
Payments to, or for the benefit of, or on account of, 98, 167, 407, 408 409, 414,	415, 416
Payments to repatriated, not to exceed Rs. 1,500	422
Property of, on land, power to seize and detain	134
Property of, on sea	138
Ships and Cargo	137
Suits by	34, 35, 91
Trading with—See Trading.	
Who are aliens, and alien	5, 26
Wives of	23
Enemy Trading Act, XIV of 1915—	
Text of,	167
Custodians under, for Bombay	98, 449
„ „ for Calcutta	434
„ „ for Madras	434
Provision of as to “money” compared with English enactment	133
Payment of dividends, interest, etc., under	98
Power of Custodian under	167
Receipts of Custodian under, a good discharge	168
Protection of Custodian from suits	168

	PAGE.
Notification adding an explanation to cl. 6 (4) of the Order	452
Text of the Hostile Foreigners (Bulgarian Trading) Order	448
Press Communique of 13th Jan. 1916, issued by Government of Bombay as to payments of sums due enemy subjects to the Controller	449
Text of Hostile Foreigners (Repatriation) Order, 1915	351
Meaning of the terms—Hostile Foreigner and Hostile Firm discussed. 28, 29, 30, 31	
* Notifications appointing Controllers under the Order for Bengal ..	33, 434
Houses of Business. —See Branch.	
House of Trade —	
In an enemy country, what is	83
Imports and Exports —	
Board of Trade Notice of 9th Oct. 1914 as to	66, 116, 205
Board of Trade Notice of 7th Nov. 1914 as to	66, 75, 116, 218
Board of Trade Notice of 26th April 1915 as to	67, 75, 116, 277
Prohibition of Import (No. 3.) Proclamation	395
Insurances —	
Contracts of new marine, life, fire, for enemies, prohibited by Proclama- tion of 5th Aug. 1914	81, 180, 401
" " " " " 9th Sept. 1914	94, 406
" " " " " 8th Oct. 1914	110, 410
Transactions of, with enemy branches in Proclamation of 8th Oct. 1914.	111, 129
Marine, in case of War	112
Life Do.	114
Other Do.	115
Licenses to certain companies cancelled	440
International Law and Orders in Council —	
Conflict between	68
<i>See Addenda also</i>	xi
Japan —	
Declaration of war between, and Germany	156
Jute —	
Goods, export of, prohibited	342, 344
Liberia —	
Proclamation as to Trading with Enemy in	47, 77, 362
Licenses —	
Construction of.. .. .	148, 149
Effect of	151
Express	148
General	147
Implied	148
Special	147
Onus of proof as to	144
To alien enemies	142
To British subjects	145
Saving of licensed transactions under Proclamation of 9th Sept. 1914.	140-407;
Revocation of	151
Power to grant by Governor General of India	140
Reference to refused license to include revoked or expired licenses ..	431

	PAGE
Ordinances—	
No. III of 1914	160
No. VI of 1914	163
No. VII of 1914	164
No. VIII of 1914	165
Outbreak of War—	
Definition of for purposes of Proclamation of 9th Sept. 1914	406
Present-day declarations as to	79, 156, 157
Pacific Blockade— See War.	
Parcels Post—	
Goods imported through	293, 364
Partners and Partnerships—	
Between British subjects and enemy	18
Between British subjects and enemies dissolved on war	29
Effect of Hostile Foreigners Trading Order on	30
Patents, Trade Marks or Designs.—	
Payment for in enemy country, or on behalf of an enemy, permitted	99, 128, 130, 418
Text of Indian Patents and Designs (Temporary) Rules 1915	418
„ English „ „ „ „	427
Penalties—	
For trading with the Enemy	85, 152
Persia—	
Trading with enemies in China, Siam and Morocco	76, 297, 420
License as to trading with certain persons in	397, 425
Persian Gulf— Export of Tin to	390
Person—	
As used in Proclamation of 5th Aug. 1914	26, 81, 405
Term, is replaced by term "enemy" in Proclamation of 9th Sept. 1914.	27
Port—	
British ships prohibited to leave for or enter a port in enemy country.	81, 363, 401
Merchant vessels bound to or from a German	263
Meaning of foreign, in Order of Council of 10th Nov. 1915	364
What is a	124
"Ports" in Europe, When to be read as "countries" in Europe	335
Portuguese East Africa—	
Proclamation of 10th Nov. 1915 as to trading with	44, 77, 362
Press Notes—	
Of Bombay Government re Proclamation of 5th Aug. 1914	82, 408
As to Dividend Restrictions	108, 414
Of Bombay Government of 28th Aug. 1914	82, 409
Of Bombay Government of 13th Jan. 1916 re Controller of Hostile Trading Concerns	449
Of Govt. of India of 16th Aug. 1915 warning Exporters	327
Probate— See Executors and Administrators	

	PAGE.
Repatriation Order—	
Text of, as to Hostile Foreigners	77, 351
Reprisal Policy—	
Of Government*as to Germany	76, 262
Rataliation— See Reprisal Policy.	
Rice—	
Export of, prohibited	334
Ships—	
Of enemy—power to confiscate	48, 137
Term "enemy" as applied to, and cargoes	404
Stocks, Shares, and Securities—	
Transactions in, with enemy prohibited	94, 108
Stock Exchange, London, rules made by	109
Sindh— Custodian of enemy property for	449
Supply— See Goods, wares and merchandise.	
Trading with the Enemy—	
Declaration of war is itself a Prohibition against	5, 79
Reason for prohibition against	5
Is against maritime law of England	34
Is against common law	34
All intercourse and communication is forbidden	36, 38
As applied to commercial intercourse	36
In China, Siam, Persia and Morocco	297
In Liberia and Portuguese East Atrica	297
Proclamation as to, in respect to Germany	180, 401
to Austria-Hungary	192
to Turkey	217
to Bulgaria	352
to Occupied Territory	257
Is illegal though benefit to enemy remote	38
Is illegal though benefit accrues to Great Britain	41
What is	36
Is treasonable	32
Licenses for—See License.	
Penalties for—See Penalties.	
Transactions—	
Of insurance with enemy branches.—See Branches.	
To, with or for benefit of enemy	106
In shares, stocks or securities with enemy	94
With enemy branches	243
,, foreign traders, when permitted	22
Meaning of, as used in Pro. of 9th Sept. 1914	89, 90
Treasury—	
Official explanations	408, 417
Treason—	
Transactions which are not treasonable are permitted by Proclamation of 5th Aug. 1914	33

	PAGE.
Contributing to loans to enemy Governments'	33, 84, 402
Statute of Treasons	32, 84
Trading with the enemy is	32 84
Territory in Hostile Occupation—	
Proclamation as to	257
Turkey—	
Declaration of war with	79, 157
Extension of Proclamations, etc., in force to	75, 84, 217, 411
War—	
Declaration of, not necessary.. ..	3
Declaration of, has force of our Act of Parliament	3
Declaration of, against Germany	78
against Austria-Hungary	78
against Turkey	78
against Bulgaria	78
Declaration of is in itself a prohibition to trade with the enemy..	5, 36, 79
Definition of	1
Distinguished from Blockade	2
„ Embargo	2
„ Peace	1
Imminence of, is not	1
Judicial notice of state of,	2
Prerogative of Crown to declare	3, 36
Result of, is to prevent trading, save with permission	5, 35
Warlike Stores—	
Are absolute contraband	46, 821
Wool—	
Defence of India (Wool Purchase) Rules.. ..	383
Export of, prohibited	229